

of Blount and State of Tennessee, in place of John L. Goddard. Incumbent's commission expired February 2, 1902.

Carlton A. Dickson, to be postmaster at Cleburn, in the county of Johnson and State of Texas, in place of Carlton A. Dickson. Incumbent's commission expired March 31, 1902.

John T. Dawes, to be postmaster at Crockett, in the county of Houston and State of Texas, in place of John T. Dawes. Incumbent's commission expired March 31, 1902.

Daniel D. Hurst, to be postmaster at Jackson, in the county of Breathitt and State of Kentucky. Office became Presidential July 1, 1901.

Samuel E. Stafford, to be postmaster at Elkhorn, in the county of McDowell and State of West Virginia. Office became Presidential April 1, 1902.

HOUSE OF REPRESENTATIVES.

MONDAY, April 21, 1902.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

HERBERT A. BOOMHOWER.

Mr. SAMUEL W. SMITH. Mr. Speaker, I submit the following conference report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4821) granting an increase of pension to Herbert A. Boomhower, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

S. W. SMITH.

A. B. DARRAGH.

RUDOLPH KLEBERG.

Managers on the part of the House.

J. H. GALLINGER.

J. C. PRITCHARD.

PARIS GIBSON.

Managers on the part of the Senate.

The statement was read, as follows:

This bill passed the House at \$24 per month. It was amended in the Senate to \$17 per month.

The result of the conference is that the Senate recedes from its amendment, and the conferees recommend that the bill pass at \$24 per month, the same as it was originally passed in the House of Representatives.

S. W. SMITH.

A. B. DARRAGH.

RUDOLPH KLEBERG.

Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. SAMUEL W. SMITH, the motion to reconsider the last vote was laid on the table.

The SPEAKER. By order of the House, this day is assigned to business for the District of Columbia, and the Chair recognizes the gentleman from Maryland.

BILLIARD AND POOL TABLES IN DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I call up the bill (S. 3439) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes."

The Clerk read the bill, as follows:

That section 4 of an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," approved February 25, 1897, be, and the same is hereby, amended by adding thereto before the penalty clause thereof the following:

"And it shall be unlawful for the proprietor or proprietors of any billiard or pool room or billiard or pool table, operated in connection with a barroom or other place where intoxicating liquors are sold, to suffer or permit any minor under 18 years of age to frequent, visit, or patronize the same."

With the following amendments recommended by the committee:

Line 10, after the word "any," insert the words "billiard or." After the word "or" insert "billiard or." After the word "table" insert a comma and the following words: "operated in connection with a bar room or other place where intoxicating liquors are sold;" so that, commencing with line 9, the same will read as follows:

"And it shall be unlawful for the proprietor or proprietors of any billiard or pool room or billiard or pool table, operated in connection with a bar room or other place where intoxicating liquors are sold, to suffer or permit any minor under 18 years of age to frequent, visit, or patronize the same."

The amendments recommended by the committee were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

PROMOTION OF ANATOMICAL SCIENCE IN DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I call up the bill (S. 5046) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be, and is hereby, created, in and for the District of Columbia, a board for the control of the dead human bodies

hereinafter described, and for the distribution of such bodies among and to the schools in said District conferring the degree of doctor of medicine or doctor of dental surgery, or both; the Post Graduate School of Medicine, incorporated by an act of Congress approved February 7, 1896, entitled "An act to incorporate the Post Graduate School of Medicine of the District of Columbia;" the medical schools of the United States Army and Navy; the medical examining boards of the United States Army, Navy, and Marine-Hospital Service; and the board of medical supervisors of the District of Columbia.

Said board shall be known as the Anatomical Board of the District of Columbia, and shall consist of the health officer of said District and two representatives from each school aforesaid actually engaged in teaching, to be selected by and from the faculty thereof in accordance with the by-laws of such faculty, except in the case of the medical schools of the United States Army and Navy, the representatives from which shall be selected and detailed by the Surgeon-General of the Army and the Surgeon-General of the Navy. Said health officer shall call a meeting of said anatomical board for organization at a time and place to be fixed by said health officer as soon as practicable after the passage of this act. Said anatomical board shall have full power to establish by-laws for its government and to appoint and to remove proper officers and agents, and shall keep full and complete records of its transactions and of all material facts pertaining to the receipt and distribution of bodies. Said records shall be open at all times for inspection by any member of said anatomical board and by the United States attorney for the District of Columbia.

SEC. 2. That every public officer, agent, and servant, and every officer, agent, and servant of any and every almshouse, prison, jail, asylum, morgue, hospital, and other public institutions and offices having charge or control of dead human bodies requiring to be buried at public expense, shall notify said anatomical board, or such person as may be designated by the said board, whenever any dead human body comes into his possession, charge, or control for burial at public expense. And every such officer, agent, and servant shall, upon application by said anatomical board or its agent, without fee or reward, and complying with the laws and regulations governing the removal of dead human bodies in the District of Columbia, deliver every such body to said board and permit said board or its agent to take and remove the same. The notice aforesaid shall be given in writing and forwarded to said anatomical board within twenty-four hours after said officer, agent, or servant comes into possession, charge, or control of such body for burial, and shall include such material information as said board may designate. But no such body shall be delivered if the deceased person, during his last illness, without suggestion or solicitation, requested to be buried or cremated; or if within the time specified above and before the actual delivery thereof any person claiming to be and satisfying the officer in charge of such body that he is of kindred or is related by marriage to the deceased shall claim the said body for burial or cremation, or request in writing that it be buried at public expense; or if within the time specified above and before actual delivery any person claiming to be and satisfying the officer in charge of such body that he is a friend of the deceased arranges to have the same properly buried or cremated without expense to the District; or if the deceased person was a traveler who died suddenly; but in any such case said body shall be buried or delivered to said applicant for burial.

SEC. 3. That the said anatomical board may receive the bodies reported to it as aforesaid, and may distribute and deliver such as are received among and to such of the schools and boards entitled thereto as request in writing to receive the same, except as otherwise expressly directed in this act. Each such school and board shall receive annually, as nearly as may be practicable, such proportion of the entire number of bodies distributed as the number of students enrolled and in regular attendance at such school, and the number of candidates appearing for examination before such board, respectively, engaged bona fide at such school, or examined by said board in dissecting, and operative surgery on the cadaver, bears to the total number of students so enrolled in attendance, and engaged, and of persons so examined, in the District of Columbia. The secretary, dean, or other proper officer of each such school and board shall report to said anatomical board the names of all such students in attendance at such school or persons examined by said board, as the case may be, at such times and in such form as said board may direct.

All bodies shall be delivered among such schools and boards in regular order so as to maintain, as nearly as may be practicable, an equitable allotment at all times; and bodies assigned to any school or board in regular order and refused by such school or board without sufficient cause shall be charged against the quota of such school or board in such manner as not to prejudice any other school or board. But no body shall be delivered to any school or board unless within not less than twenty-four hours prior to such delivery notice of the death has been given by said anatomical board to the nearest known kinsman, relative by marriage, or friend of the deceased, or if none such be known, published by said anatomical board at least once in a daily newspaper published in the city of Washington, in the District of Columbia. The notice required by this section shall be deemed to have been given if served in writing on the person to be notified, or if left at his usual place of residence with some adult person residing therein, or a member of the family of such person. Said board shall take receipts by name, or, if the name be unknown, by a description, for each body delivered; all receipts so obtained by said board shall be properly filed by it.

SEC. 4. That no school except the medical schools of the United States Army and Navy shall receive any body under the provisions of this act until said school has given bond to the District of Columbia, and the Board of Commissioners of said District has approved such bond, which said bond shall be in the penal sum of \$200 and conditioned that all bodies which said school shall receive shall be used in said District and only for the promotion of the science and art of medicine and of dentistry.

SEC. 5. That it shall be the duty of each and every officer, agent, and employee of every school and board receiving bodies under the provisions of this act to see that such bodies are used in the District of Columbia and for the promotion of the science and art of medicine and of dentistry, and for no other purpose whatsoever, and that after being so used the remains thereof are disposed of in accordance with law.

SEC. 6. That any person who shall, in the District of Columbia, sell or buy any body aforesaid, or in any way traffic therewith, or transmit or convey any such body to any place outside of said District, or cause or procure any such body to be transmitted or conveyed, or who shall, in said District, disturb or remove, without legal permit, any body from any grave or vault, shall, on conviction thereof, be fined not more than \$200 or imprisoned in the workhouse of said District for not more than one year.

SEC. 7. That neither the United States nor the District of Columbia, nor any officer, agent, or servant thereof, shall be at any expense by reason of the delivery of any body or bodies aforesaid, except such as may be properly chargeable on account of bodies delivered to the medical schools of the Army and Navy, the medical examining boards of the Army, the Navy, and the Marine-Hospital Service, and the board of medical supervisors of the District of Columbia; but all expenses of such delivery and distribution, except as hereinbefore specified, and of said anatomical board, shall be paid by the schools receiving such bodies, in such manner as may be specified by said

board and by such school in proportion to the number of bodies which it has received; and no school which has failed or refused to pay its just proportion of such expense as determined by said board shall be allowed to receive any body or bodies, or parts thereof, while the amount so due remains unpaid.

SEC. 8. That any person having any duty enjoined upon him by the provisions of this act who willfully neglects, refuses, or fails to perform the same, shall, upon conviction thereof, be punished by a fine of not more than \$100 or by imprisonment in the workhouse of the District of Columbia for not more than one year.

SEC. 9. That all prosecutions under this act shall be in the police court of the District of Columbia, on information brought in the name of said District on its behalf.

SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. MUDD. Mr. Speaker, this bill has already passed the House and Senate with the exception of a slight amendment incorporated herein made at the recommendation of the Secretary of the Navy. The only effect of the amendment is to provide that a representative of the Medical Corps of the Navy shall be a member of the anatomical board created by the bill and to extend the benefits of the measure to the medical schools of the Navy as well as of the Army. With that exception, it is the same bill that passed both the House and Senate and was in the hands of the President, but it was recalled at the request of the Secretary of the Navy for the purpose of incorporating the amendment I have referred to.

The bill was considered, was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

POSTPONEMENT OF PAYMENT OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. MUDD. Mr. Speaker, I now call up House joint resolution 178, and, as I understand, there is a similar resolution of the Senate now on the Speaker's table. I move to substitute the Senate joint resolution 80 for the House resolution.

The SPEAKER. Without objection, the Senate joint resolution will be read instead of the House joint resolution.

The Clerk read Senate joint resolution No. 80, as follows:

Joint resolution postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the collection of taxes on real property and improvements thereon in the District of Columbia, which will become payable in the month of November, 1902, be, and the same is hereby, suspended until the month of May, 1903, at which time said taxes shall be due and payable, and the collection thereof shall be enforced in all respects, as provided under existing law for the collection of taxes on real property and improvements thereon, for the tax year ending June 30, 1903.

SEC. 2. That the time for the completion of the duties of the board of equalization and review provided for in sections 9 and 10 of the act of Congress approved August 14, 1894, entitled "An act to provide an immediate revision and equalization of real estate values in the District of Columbia; also to provide an assessment of real estate in said District in the year 1896 and every third year thereafter, and for other purposes," be, and is hereby, extended to October 31, 1902.

Mr. PAYNE. Mr. Speaker, I should like to have some explanation of this.

Mr. MUDD. The object of the resolution, Mr. Speaker, and the only effect of it, is to extend from June to October the time within which the board of equalization and review can complete its labors under the law providing for a reassessment of the property this year in the District of Columbia. The reason for the extension of the time arises out of the fact that during this year, because of an unusual and urgent necessity for the raising of more revenue for the District of Columbia, the board of equalization and review expects to make the work not a mere triennial revision, but a total reassessment, involving a different system from that pursued heretofore. They will not get through until about October, and that is the reason for asking for this extension of time. The resolution involves no new method of taxation in the District.

The other provision of the resolution is to the effect that the tax bills now payable by law in November, 1902, shall be suspended until the month of May, 1903. The reason for that arises out of the first proposition. By reason of this new assessment the board of equalization and review can not have the books ready for the receipt of taxes by November, and the receipt of taxes, if the work is done properly, will be upon a different and larger basis than at present.

Mr. FINLEY. Will the gentleman allow me a question?

Mr. MUDD. Certainly.

Mr. FINLEY. Will not the effect of that be that the taxpayers will be called upon to pay the taxes for 1903 and 1902 at the same time? In other words, will they not have to pay two years?

Mr. MUDD. No; under the law passed during the present session the taxes for the year 1903, which runs from July of this year to July of next year, are payable one-half thereof, at the option of the taxpayer, in November of this year.

Mr. FINLEY. The taxes for 1903 will be due in October, 1903?

Mr. MUDD. Oh, no; under this resolution they will be due in May, 1903.

Mr. BURKETT. Under this resolution you skip one year.

Mr. MUDD. Oh, no; this has no relation to any other year.

Mr. BURKETT. If the 1902 tax is payable in May, 1903, then the taxpayer will pay taxes twice in 1903.

Mr. MUDD. The fiscal year 1902 runs from July, 1901. That is my understanding.

Mr. BURKETT. And the tax for that year is payable—

Mr. MUDD. Was payable in November, 1901, and May, 1902. This resolution does not interfere with any other year than the one named.

Mr. BURKETT. But if the taxes payable in November of this year are carried over to 1903, then in that year there will be two payments.

Mr. MUDD. The tax year 1903, as I understand, runs from the middle of 1902 to the middle of 1903.

Mr. BURKETT. But there will be a payment due in November, 1903.

Mr. MUDD. That will be for the next year's taxes.

Mr. BURKETT. But there will be two payments of taxes in one year.

Mr. MUDD. The tax payment in November, 1903, will be optional with the taxpayer.

Mr. BURKETT. But there will be one payment in May and another payment in November of the same year.

Mr. MUDD. We have those two payments now in one year, at the option of the taxpayer.

Mr. BURKETT. But there will be taxes for two years payable within six months.

Mr. MUDD. The taxes for the year 1903, if this resolution passes, can be paid in May, 1903, only; and those for the year 1904 can be paid one-half in November, 1903, and one-half in May, 1904, if the taxpayers prefer thus to pay in installments.

Mr. BURKETT. Is not that the same as the present arrangement?

Mr. MUDD. The same that exists and will exist without the passage of this resolution. Not the same as will obtain for this year if the resolution passes.

Mr. JENKINS. In the District of Columbia there are two payments of taxes in a single year—one in May and the other in November. On account of a change of the law made during the present session of Congress it is impossible for the assessors and the board of equalization to complete their work so that the November payment can be made; so that instead of that payment being made this year, at the option of the taxpayer, the whole payment goes over until next May.

Mr. MUDD. Without interest added?

Mr. JENKINS. Without interest. The entire payment will be made next May instead of part being paid in November of this year.

Mr. BURKETT. That is just what I said; there will be two payments in one year within six months of each other.

Mr. JENKINS. It is the same tax—

Mr. BURKETT. But you compel the taxpayer to pay two years' taxes in one year, which is a hardship.

Mr. JENKINS. No; the gentleman is entirely mistaken.

Mr. MUDD. I ask for a vote.

The question being taken, the joint resolution was ordered to a third reading, read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

PRIVILEGES OF SPECIAL POLICEMEN AT STREET CROSSINGS.

Mr. MUDD. Mr. Speaker, I call up the bill (H. R. 12349) granting special privileges to the special policemen stationed at street crossings in the city of Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That each of the special policemen stationed at street railway crossings and intersections in the District of Columbia under the law providing for such service shall, during each calendar year, be entitled to twenty days' leave of absence, at times to be determined by the Commissioners of said District, and to not exceeding twenty days' leave of absence due to their illness, and shall receive from the source prescribed in said law full pay during such absences. A sum sufficient to provide for the payment of substitute service for such officers during such absence is hereby appropriated, to be derived, disbursed, and accounted for as the regular annual appropriations for the support of the government of said District.

SEC. 2. That hereafter the Commissioners shall deduct \$1 each month from the pay of each such policeman, which sum shall be deposited with the auditor of said District to be invested by him from time to time in United States or District bonds. The fund so created shall be held subject to disbursement, on order of the Commissioners of the District of Columbia, for expenditures for the relief of any of said policemen who, by injury received or disease contracted in the line of duty only, shall become so permanently disabled as to be discharged from said service therefor, and, in case of the death of any such officer, for the relief of the widow or children of said officer and for funeral expenses, as the Commissioners shall determine.

The following amendment, reported from the Committee on the District of Columbia, was read:

Page 1, line 12, strike out the words "is hereby appropriated, to be," also the comma between the words "appropriated" and "to," and substitute therefor the words "shall be."

Mr. CANNON. I make the point of order that this bill should receive its first consideration in Committee of the Whole.

Mr. MUDD. It makes no appropriation.

Mr. CANNON. But it involves a charge on the Treasury.

The SPEAKER. The Chair is of the opinion that the point of order is well taken and that the bill must go upon the Calendar of the Committee of the Whole House on the state of the Union.

Mr. MUDD. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. GILLET of Massachusetts in the chair), and proceeded to the consideration of House bill 12349.

The CHAIRMAN. The Clerk will report the bill.

Mr. MUDD. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. MUDD. I yield to my colleague, the gentleman from Maryland [Mr. PEARRE], who reported the bill.

Mr. PEARRE. Mr. Chairman, this is a Commissioners' bill, as bills emanating from the Commissioners of the District are usually denominated in the District Committee. The first suggestion with regard to this subject was a bill in a different shape. That bill provided for the merging of the 37 street-crossing policemen into the regular Metropolitan police force. The superintendent of police and the Commissioners of the District of Columbia did not consider that merger a wise one, basing their objection upon the fact that there were greater qualifications and stricter rules imposed upon the regular Metropolitan force than upon the street-crossing police force.

I introduced the first bill, and after receiving these objections from the Commissioners of the District and from the superintendent of police wrote to the Commissioners of the District, asking them to prepare a bill which would meet their views and allow the same leave of absence and sick leave to the street-crossing policemen as are allowed by law now to the officers of the regular Metropolitan police force, and also providing a pension fund for the street crossing policemen. The reply I received from the Commissioners recommended the passage of this bill.

The bill referred to in this letter is the bill which is now being considered by this committee. In its first section, as the committee will observe, it provides for twenty days' leave of absence and twenty days' sick leave, which are the same leaves now allowed to the officers of the Metropolitan police force. It also contains an authorization of an appropriation to cover the expense incidental to the granting of these leaves of forty days—twenty days for sick leave and twenty days for regular leave—as now granted to the Metropolitan force.

The second section of this bill provides for the establishment of a pension fund for the street crossing policemen. That pension fund is made up of deductions from their own salaries, and not contributed to by the regular force or in any other way; nor under this bill do the street crossing police officers get any benefits of the present pension fund which was some years ago established for the benefit and protection of the regular Metropolitan force.

Mr. HULL. Will the gentleman yield for one question?

Mr. PEARRE. Yes.

Mr. HULL. This puts the street crossing police on an equality with the regular Metropolitan force?

Mr. PEARRE. Only as I have endeavored to explain, with reference to sick leave and leave of absence.

Mr. HULL. That is what I mean.

Mr. PEARRE. Yes.

Mr. HULL. And pensions.

Mr. PEARRE. No. As I was explaining, it creates a pension fund made up of contributions from their own salaries.

Mr. HULL. The Metropolitan police force make up the pension fund from the salaries of the Metropolitan police.

Mr. PEARRE. Partially so.

Mr. MUDD. And from certain fines.

Mr. PEARRE. As I was stating, Mr. Chairman, the Metropolitan police officer's pension fund is made up, first, of the deduction of a dollar from the salary of each man. In addition to that certain fines are appropriated to this fund, and also certain unclaimed property, which, under previous law, is to be sold and the proceeds turned into that fund, and of certain fines covered into this fund. I can give the gentleman the acts of Congress upon the subject.

Mr. HULL. I do not care for that. The street-crossing police have no pension except the deduction from their own salaries.

Mr. PEARRE. A deduction from their own salaries. This fund is created here in section 2. They have no relief of this sort now, although they are subjected to the same dangers.

Mr. HULL. Why should not they be put on the same basis as all the others?

Mr. PEARRE. There were some members of the committee

who believed that they ought to, but the Commissioners of the District and the superintendent of police seemed to entertain a different view, and we adapted the bill to the views of the superintendent of police and the Commissioners. Indeed, the Commissioners prepared the bill covering the leave of absence and for a separate pension fund.

Mr. CANNON. If the gentleman will allow me, for information, am I correct in the impression I have that these policemen at the street-railway crossings are now paid by the railways?

Mr. PEARRE. I will say in reply to the gentleman from Illinois that his impression is entirely correct, and the probabilities are—nay, the certainty is that the gentleman participated in the legislation which brought that about. The act of June 24, 1898, in section 3, to define the rights of purchasers of the Belt Railway, and for other purposes, reads as follows:

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized and directed to station special policemen at such railway crossings and intersections in the city of Washington as said Commissioners may deem necessary, the expense of such service to be paid pro rata by the respective companies.

Mr. CANNON. Now, if that is the law, this is a proposition to grant to such policemen, paid by the railway companies, doing the work practically for the railway companies, twenty days' leave of absence each year on pay and twenty days' sick leave. That is what the bill provides. I will ask the gentleman if it is not true that the other policemen in the city have only twenty days' leave of absence with pay?

Mr. PEARRE. As I understand it, the Metropolitan police force not only have twenty days' leave of absence, but twenty days' sick leave.

Mr. CANNON. I am informed that there is no sick leave; only the twenty days' leave of absence.

Mr. PEARRE. I am quite confident that the gentleman from Illinois is misinformed about that. I think, perhaps, I have a communication here from the Commissioners to that effect.

Mr. CANNON. The law passed in the Fifty-fourth Congress, I am informed, gives twenty days' annual leave to members of the Metropolitan police force. And I am not aware of anything to change that. I want to say if that is true that these street railway crossing policemen ought only to be placed on all fours with the other policemen.

Mr. PEARRE. I will say to the gentleman from Illinois, as I said before, that I am confident he is misinformed about that; but the purpose of this bill is only to put them on the same footing as the members of the Metropolitan police force as regards leave of absence, and if we ascertain that such is the fact this bill can be so amended as to cover that.

Mr. CANNON. I apprehend that such is the fact. Now, one other question. It seems to me that this bill by its provisions throws the expense of the annual leave upon the United States and the District, instead of throwing it upon the street railway companies. These people being practically employees of the street railway companies, to police their crossings, it is perfectly patent, if the legislation ought to be had at all, it seems to me, that the expense of the twenty days' leave ought to go upon the railway companies.

Mr. PEARRE. If the gentleman will read the first section, I apprehend he will see that it is covered there:

That each of the special policemen stationed at street railway crossings and intersections in the District of Columbia under the law providing for such service shall, during each calendar year, be entitled to twenty days' leave of absence, at times to be determined by the Commissioners of said District, and to not exceeding twenty days' leave of absence due to their illness, and shall receive from the source prescribed in said law full pay during such absence.

Mr. CANNON. What law?

Mr. PEARRE. The law providing for such service; that is, the law embodied in section 3 of the act of June 24, 1898, which authorizes this special crossing service.

Mr. CANNON. Then the gentleman agrees that whether his bill does it or not, the leave of absence to these men ought to be the same as the leave of absence to the Metropolitan police force.

Mr. PEARRE. Quite so.

Mr. CANNON. He agrees, second, that if this bill does not provide for it, the leave of absence ought to be paid as their salaries are paid—by the railway companies.

Mr. PEARRE. I believe that the bill does so provide with regard to the leave of absence at least, because it says, as the gentleman will see:

Shall receive from the source prescribed in said law full pay during such absences.

That source is the railroad companies.

In other words, the railroad companies would continue to pay exactly what they pay now. The man would get the leave of absence and the company would pay for it. The companies pay these men now. They have no leave of absence. If the leave be granted, the companies would pay no more than they do now. The additional leave or sick leave of twenty days would be paid

for by the Government, and, therefore, there is an authorization here of an appropriation for that purpose.

Mr. CANNON. Well, it seems to me that my friend, probably on further thought, will agree with me that these being practically employees of the railway companies, vested for obvious reasons with police powers, that this ought to be entirely at the expense of the railway companies.

Mr. PEARRE. I will say to the gentleman that I can not agree with the proposition at all.

Mr. CANNON. Well, then, we will fight it out along that line.

Mr. PEARRE. They are employed by the railroad companies; they do service for the railway companies, but in addition to that they perform incalculable service to the public, not only along the line of the particular service which they perform for the railroad companies, but in the performance of the general duty of a police officer, as will be indicated by the order issued by Major Sylvester, superintendent of the police force of the District, dated December 20, 1901:

DECEMBER 20, 1901.

LIEUTENANTS: The following copy of an order of the honorable Commissioners, District of Columbia, dated July 28, 1898, is published for the information of those concerned:

"Ordered, That the duties of the special policemen at street railroad crossings are hereby defined, as follows:

"To see generally that all police regulations are enforced."

Nothing could be more comprehensive than this part of this order.

Mr. CANNON. That is right.

Mr. PEARRE (continuing):

To see that street cars come to a full stop before crossing the street.

Mr. CANNON. That is right.

Mr. PEARRE (continuing):

To see that vehicles, including bicycles, shall not cross the streets at a rate of speed exceeding that allowed by law.

Now, that is a matter within the line and actual scope of the duties for which they are originally designed.

To see that bicycles and vehicles keep on the right-hand side of the street and make the proper turns at the crossings.

To do everything in their power to avoid accidents, rendering whatever assistance may be necessary in case an accident should occur.

In case of a violation of the law by any of the motormen or conductors of the street-car lines, notice shall be given by the officers to such motormen or conductors to appear in court at a given time to answer for the violation of the law, but no arrests shall be made so as to impede travel on the cars.

To aid pedestrians in safely crossing at crowded thoroughfares, and answer civilly such questions as may be asked them regarding location of streets, hotels, public buildings, etc.

Also, special policemen at street-railway crossings should not confine themselves to any one corner, but move about from corner to corner, giving themselves such exercise in this respect as will prevent illness. They should give special attention to the aged and infirm and women and children getting on and off cars, so that accidents may be avoided; prevent reckless and fast riding and driving and congestion of the street by pedestrians waiting for cars; maintain peace and good order at their respective posts, and see that the same are kept free from litter of every kind.

In case of an emergency call for police service within a reasonable distance of a post—special railway-crossing officers, having police powers, should respond.

Lunch hours have been prescribed by the respective lieutenants.

RICHARD SYLVESTER,
Major and Superintendent.

So it will be observed that these officers have police power.

Mr. CANNON. If my friend will allow me. There is not a thing in that order issued—if he has the power to issue it, and I presume he had—there is not one thing done but what is for the advantage of the railways and to the advantage of the public; but it vests, practically, the employees of these railways with police powers for the protection of the railways, and, incidentally, for the protection of the people. It seems to me that if they are to have this leave of absence that the railroads should pay for it. And I would ask my friend if he has thought of the proposition of giving the conductors and motormen leave of absence, also, who are other employees of these railroads?

Mr. PEARRE. I think the gentleman's mental fairness will discriminate between the case of the motormen and the conductors, who are on the cars and do not get off the cars, who do not attempt to regulate the street traffic, who have no police powers and do not undertake to assume police powers. I think the gentleman will recognize the difference between the duties of the motormen and conductors and these officers. The gentleman has practically admitted that these men not only perform this service in their duty to the companies, but that they perform such duties as are absolutely distinct from those for which they were originally designed.

Mr. ROBINSON of Indiana. I desire to call the gentleman's attention to the phraseology of the bill. As to the general fund charged and special fund charged with the performance of this service provided for, the plural is used with reference to the leaves of absence, including the sick leave and general leave of absence. It uses the plural in both instances; and then the bill says, commencing at the third line from the bottom, on the first page:

A sum to provide for the payment of substitute service for such officers during such absences shall be derived, disbursed, and accounted for as are

the regular annual appropriations for the support of the government of said District.

Charging, then, to the general fund this special service that is rendered necessary by these leaves of absence granted.

Mr. PEARRE. The absences of the respective officers is the clear and indubitable construction of this phrase.

Mr. ROBINSON of Indiana. But the gentleman will not contend that it is not charged to the District fund that is provided for equally by the Government and the District. This special class of service that is provided for them shall be given to these men, no matter how employed, one half of the expense paid on the part of the Government.

Mr. PEARRE. Yes.

Mr. ROBINSON of Indiana. The other half is paid by the railroad companies?

Mr. COWHERD. I desire the gentleman to yield to me before a vote is had on the bill.

Mr. PEARRE. I suppose there will be no objection to that. There is another observation which prompts me to support it, and that is this—that these officers are not appointed by the railroad companies, but are appointed by the Commissioners of the District themselves, and the Commissioners are the governing power of the District of Columbia.

Mr. SHAFROTH. Will the gentleman yield to me for a question?

Mr. PEARRE. Certainly.

Mr. SHAFROTH. How many of these officers are there?

Mr. PEARRE. There are 37.

Mr. SHAFROTH. And these substitutes that this proposes shall be employed when they are absent on leave, will they be paid by the railroad companies or by the Government?

Mr. PEARRE. As I understand, one half by the railroad companies and the other half by the Government.

Mr. SHAFROTH. That is the substitute?

Mr. PEARRE. That is, so far as I understand it.

Mr. ROBINSON of Indiana. Is not the correct interpretation of that that one half will be paid by the people of the District and the other half by the General Government?

Mr. PEARRE. No; one half will be paid by the General Government.

Mr. McDERMOTT. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from New Jersey?

Mr. PEARRE. I do.

Mr. McDERMOTT. I understand that some portion of the duty of these officers is rendered to the public as distinct from that rendered to the railroad company. I propose to speak on that question in a moment. I want to ask the gentleman from Maryland why the railroad company, or the city of Washington, should have imposed upon them as a separate and distinct burden the payment of any police officer or cost of police officers for services rendered to the general public?

Mr. PEARRE. In answer to the gentleman from New Jersey, I may say that I am unable to explain the reason except in this way. My information is that this third section of the act of July 24, 1898, was the embodiment of a suggestion of a distinguished Democrat, Arthur Pugh Gorman, at that time a Senator from Maryland. I never heard of the reasons given, and, not being a member of Congress at the time, I was not familiar with the discussion, if any arose, over that section of the bill which I am informed was introduced by the gentleman from Maryland at that time.

Mr. McDERMOTT. As I understand the gentleman, the only excuse for the unjust burden, if it is an unjust burden, is that it was proposed at the suggestion of a distinguished Democrat. [Laughter.]

Mr. PEARRE. I have not admitted, and I do not know that anybody has admitted, that there is any unjust burden imposed on the railroad company. As far as my own judgment goes, I may say that I do not believe that it is an unjust burden. I believe it is a perfectly proper and just burden, and that each one of these men earn three times over in his services to the railroad company the pittance which the railroad companies, under this law, are required to pay for their services.

However, I may also add that we have acted upon the suggestion of the Commissioners of the District of Columbia, who have recommended this bill, and prepared this bill, and are behind this bill.

I may also add, Mr. Chairman, that perhaps the gentleman from New Jersey is even more familiar with the railroad system of the District of Columbia and the reasons why this or that or the other thing has been done in connection with their management than I can possibly be. Now, Mr. Chairman, I do not desire to go into any lengthy discussion in relation to this matter. It seemed apparent to the committee that the justness and wisdom of the provisions of this bill would be so apparent that they would meet

with no opposition in the House. These men do good service on the crossings during the whole day through rain and sunshine, not only as custodians of the railroad companies, but they are there as custodians of the life and safety of the people of the District of Columbia.

In addition to that, if any crime be committed within their presence or within their sight they have jurisdiction and they have the power to make an arrest. They are required to make the arrest, and they are on the lookout for all thieves, pickpockets, and known criminals. Every morning a list of lost articles is published and sent by the marshal to the superintendent of police and to the various officers of the Metropolitan police, containing a list of property and a description of escaped criminals, fugitives from justice, and where some criminal who is wanted, and these lists are placed in their hands, and they are charged with the same duty in reference thereto as is the Metropolitan police force.

They must detect, pursue, and arrest criminals if the commission of a crime occurs in their vicinity, as it is the duty of the officers of the Metropolitan police force. They are brave, courageous, and faithful. Their fidelity is commended in communications to the committee by the Commissioners of the District of Columbia, which Board of Commissioners, after having gone carefully over the whole matter, have submitted this bill to the judgment of the House.

Mr. FINLEY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. PEARRE. I will yield to the gentleman.

Mr. FINLEY. I would like to ask the question if he would consent for the bill to be so amended that the extra policemen shall be paid in the same manner as the regular policemen employed in this work are now paid?

Mr. PEARRE. The effect of that amendment would be to relieve the railroad companies of any burden and give the benefit of their services to the railroad company. I would not consent to that.

Mr. FINLEY. The gentleman has misconstrued my question entirely. I understand the policemen are now paid by the railroad companies.

Mr. PEARRE. That is correct.

Mr. FINLEY. I propose by the amendment to require the men employed as provided in this bill to be also paid by the railroad company. Will the gentleman agree to that?

Mr. PEARRE. I think the bill in its present form, as recommended by the Commissioners, presents the fairest proposition.

Mr. FINLEY. What objection can the gentleman have to the railroad company paying these extra policemen to be employed?

Mr. PEARRE. Simply this, that these police officers perform one half of the duties to the public and the other half to the company, and the company should share the expense. That seems to us the most just and equitable distribution of the burdens arising from the passage of the bill—a trifling one, it is true.

Mr. FINLEY. But I ask the gentleman what greater inequality or greater injury will be done the railroad company if it is right for them to pay this charge now by requiring them to continue to pay as they have done?

Mr. PEARRE. We are imposing an additional burden upon them by this bill.

Mr. GAINES of Tennessee. I should like to ask a question. Why should the public pay for policemen to look after the business of the railroad company?

Mr. PEARRE. I have endeavored to answer that question several times. These policemen not only look after the interest of the railroad company, but they also perform a public duty.

Mr. GAINES of Tennessee. That is the exact point of my inquiry. What business of the Government is it to have an officer there to attend to the business of the railroad company?

Mr. PEARRE. He attends not only to the railroad company's business, but to all matters which may come under the purview of any police officer. He is authorized to arrest any man guilty of a breach of the peace or any other violation of the law.

Mr. GAINES of Tennessee. Why does not the railroad company have an officer there, employed and paid by the railroad company, and why does it not have gates there to protect the public instead of having the public pay an officer to stay there?

Mr. PEARRE. I may say to the gentleman from Tennessee that the wisdom of the original proposition was passed upon by a former Congress in 1898. Neither the Commissioners nor the committee took up the question of changing the system in any degree. The railroads now pay these officers, and under this bill will pay one-half the additional expense for leaves. But in view of the fact that by this bill an additional burden and an additional expense would be imposed by reason of these leaves of absence, the committee thought it wise to follow the recommendation of the Commissioners of the District of Columbia and provide for the District sharing this expense.

Mr. GAINES of Tennessee. As the railroad company is granted

the privilege of crossing the streets in this way and thereby increases the danger to citizens, should not the company be made to pay for the officers necessary to be stationed there in order to make the arrangement reasonably safe for the public?

Mr. PEARRE. They do pay. They pay \$2.50 a day to every watchman stationed at a railroad crossing. The only new thing provided for in this bill, as the gentleman will see if he examines it, is the granting of leave of absence for forty days annually to these policemen—twenty days as sick leave and twenty days regardless of sickness. To furnish substitutes during the leave of absence of the regular policemen will cost some money; and it is the proper distribution of that expense we are discussing here.

Mr. GAINES of Tennessee. Who pays the officer while he is on leave of absence?

Mr. PEARRE. That is a matter we have been discussing here for half or three quarters of an hour. I recommend the gentleman to read the bill.

Mr. GAINES of Tennessee. I have sent for it. This measure is not going to get through here unless I know something about it.

Mr. JENKINS. The gentleman from Tennessee, as I understand his remarks, seems to be laboring under an impression that the railroad companies of the city are insisting that these policemen be stationed at these several crossings. I desire to correct the gentleman on that point. Congress has imposed upon the railroad companies the necessity of keeping those policemen at these crossings at the expense of the railroad company but in the interest of the public.

Mr. GAINES of Tennessee. That is all right; but let the railroad company pay for it.

Mr. JENKINS. The railway companies insist that they do not need these officers, that their employment is an unnecessary expense; but they are now paying upward of \$36,000 a year for the purpose of maintaining the policemen at these several crossings.

Now, inasmuch as these officers are rendering this service, they want to be put on the same level as other employees of the Government with regard to leave of absence, including sick leave and other leave.

Mr. GAINES of Tennessee. Who is to pay for this?

Mr. JENKINS. The bill provides that one-half be paid out of the general fund and one-half out of the funds collected through the District of Columbia. The railway companies feel that they are already more heavily burdened than they ought to be.

Mr. GAINES of Tennessee. I never heard of a railway company in the District of Columbia being burdened with anything.

Mr. JENKINS. That is because my friend from Tennessee is devoting so much of his time to public matters that he does not familiarize himself with the details of the city government.

Mr. GAINES of Tennessee. But I am not a member of the District Committee, and I am trying to get information from the members of the District Committee, whose duty it is to explain this bill and give the reason for its passage, and I know of no man who is more capable of doing so than the gentleman from Wisconsin.

Mr. PEARRE. We are endeavoring to give the gentleman all the information he asks. We have, in several instances, repeated for his benefit information that we had already given to somebody else. We would be perfectly willing to repeat it as often as the gentleman desires and the patience of the House will permit.

Mr. WACHTER. I would like to ask my colleague a question, Mr. Chairman. At one part of the report it refers to a pension fund. Have the balance of the railroad employees a pension fund?

Mr. PEARRE. I would say to my colleague from Maryland that the officers of the Metropolitan police force proper have a pension fund which was established some years ago, and that fund is created in this way: First, by the deduction of a dollar per year from the salary of each regular officer of the Metropolitan police force, and then it was discovered as time went by that that fund was not sufficient to provide for them and their widows and children. The Congress of the United States thought it wise to aid in increasing that fund, so that in case of death or injury the family of the police officer or the police officer himself might have proper relief, and on May 29, 1896, a bill was approved which provides that the property of deceased parties not claimed in the District of Columbia may be sold and the proceeds covered into that fund. There was a subsequent act passed June 11, 1896, which allowed the receipts from fines in certain cases to go to the swelling of that fund.

Now, the crossing police officers have never been able to share in that at all, and the original proposition embodied in the bill which I first introduced was to the effect that these men should be placed in all respects upon the same footing as the Metropolitan police force. The superintendent of police and the Commissioners of the District did not agree with that proposition, for perhaps good reasons, which they gave in communications to the committee, and then this other suggestion was made that the relief for these crossing policemen should be limited only and solely

to leave of absence, twenty days, and a sick leave of twenty days, as is now enjoyed by the Metropolitan police force, and the creation of an independent pension fund made up by deduction of \$1 per year from the salary of each crossing police officer, that fund being devoted entirely to the uses and purposes and relief of crossing policemen, and being an entirely separate fund.

Mr. WACHTER. I would like to ask my colleague another question. Under whose orders are these crossing policemen? Are they more amenable to the railroad company than to the Commissioners of the District?

Mr. PEARRE. The only thing that the railroad has to do with them is to pay them. That is the poor privilege that the railroad companies of the District have. These men are appointed by the Commissioners, and are entirely under the control of the superintendent of police, just as the regular Metropolitan force is; and, further than that, they perform all the duties of a regular police officer.

Mr. WACHTER. I would like to ask whether they are appointed under the civil service, as the others are?

Mr. PEARRE. Well, no; and will not be with my vote. [Laughter.]

Mr. ROBINSON of Indiana. Does the gentleman say that the Metropolitan police force or its officers have twenty days' sick and vacation leave?

Mr. PEARRE. I think the gentleman heard my discussion with the gentleman from Illinois on this point.

Mr. CANNON. On examination, I find only twenty days' leave in the year.

Mr. PEARRE. If that be so, I will accept the amendment. I think the gentleman from Indiana [Mr. ROBINSON] heard the short discussion between the gentleman from Illinois [Mr. CANNON] and myself in regard to that matter.

Mr. ROBINSON of Indiana. With reference to the equalization of sick and vacation leaves, I desire to call the attention of the gentleman to the fact that he is giving these police officers more privilege in that regard than is accorded to the employees of the Navy Department, or the Printing Department, or the Arsenal. Now, what is the reason for that? The employees of the Printing Department have a vacation of thirty days, but no sick leave. The employees of the Navy have fifteen vacation and no sick leave.

Mr. PEARRE. The purpose is to equalize the sick leave between these special officers and the regular officers. The gentleman evidently sees the purpose of that.

Mr. ROBINSON of Indiana. Will the gentleman let us know what salaries these officers get?

Mr. PEARRE. I think I have stated it on several occasions. They now get \$2.50 a day. The report will show all this if the gentleman will be good enough to read it. Now, I reserve the balance of my time.

Mr. MUDD. I would like to suggest to the gentleman from Missouri [Mr. COWHERD] that some arrangement be made about limiting general debate to, say, twenty minutes.

Mr. COWHERD. That would be hardly enough. I understand there are several gentlemen here who desire to be heard. I will occupy only about ten minutes and then yield to the others.

Mr. MUDD. Very well.

Mr. COWHERD. Mr. Chairman, this bill has been pending before the District Committee for at least four years. I think, without betraying any secret, I am entitled to say I have always opposed this measure. For that reason I feel that I am entitled to oppose it on the floor, although I was not present when the bill was taken up in committee.

I think the gentleman from Maryland [Mr. PEARRE] has stated, and it is a fact, that these men are put on by order of Congress, Congress having passed the law giving the Commissioners authority to appoint. First, I believe there was a bill compelling the railroad companies to put on watchmen at crossings, and afterwards giving the Commissioners the authority to select the men, on the ground that it was the duty of the railroad company to protect the lives of the public, and that the Commissioners in order to protect the public might have the right of selecting the men.

Now, these are employees of the railroad company. They are paid by the railroad company. Their business is to protect life, and every time they protect it they protect it for the advantage and benefit of the railroad company. If a man is killed at a street crossing of course the railroad company has to stand a lawsuit and, if guilty of any negligence, has to stand the damages. So that it is for their interest to have these men there, and it is proper and right that they should pay them.

These crossing policemen do not have any more special police duty to perform than does the watchman down on the wharf who is given a special commission. Any big property owner or any great institution having a large amount of property to protect can go to the Commissioners and get a special permission for its

watchman. It is done in order that the man may be useful to the company that he is serving and at the same time may be of benefit to the public, and there is no more reason why the public should compel the street railroad company to give vacation leave to its special policemen than there is why the public should tell the wharf owner to give a vacation leave to its special policeman or other watchmen in the city of Washington.

I go further and say that there is no more reason why we should compel the railroad company to give the leave of absence to special policemen than why we should compel them to give leave of absence to the motorman or the conductor on the car. They are all employees of the company, and the fact that in order that these watchmen at the crossing may perform the service for which he is placed there, in order that he may have authority to make a driver move on or to make a driver stop before he gets to the crossing, we give him a special authority in order that he may perform that duty, gives us no right to compel the company to give him a leave of absence and pay him for it. But I go further.

The gentleman from Maryland [Mr. PEARRE], I think, is entirely mistaken, if I understood his statement, as to where the money is coming from to meet this extra charge upon the Treasury. For, mind you, when we give a twenty days' leave of absence to a special policeman somebody has to take his place. We only provide in the bill that his salary shall come out of the pocket of the company; but who is going to meet the charge of the man who takes his place? Here is the language of the bill:

A sum sufficient to provide for the payment of substitute service for such officers during such absences shall be derived, disbursed, and accounted for as are the regular annual appropriations for the support of the government of said District.

Now, how are our regular annual appropriations derived? They are derived one-half by taxes on the people of the District and one-half out of the revenues of the Government. So every dollar of additional expense provided for in this bill, by the giving to these men of twenty or forty days' leave of absence, is to be paid out of the general revenues of the District of Columbia, one-half, and one-half out of the general revenues of the United States.

In other words, you gave forty days' leave—twenty days' regular and twenty days' sick leave—to certain employees of the Metropolitan Street Railway Company and the Capital Traction Company, and you pay every dollar of expense incurred by that gift out of the revenues of the United States and of the District of Columbia. I protest against any such action. I do not believe the bill ought to pass at all.

I do not believe we have any right to say to this street-railroad company, "You have got to station a man there, and we will select the man and we will compel you to give to that man certain leave of absence." We have the right to compel the company to station the man there, and we have the right to select the man, but that is as far as we have a right to go; and I unquestionably protest against it when we go still further and say that for this leave of absence that you give to these men the expense shall come out of the pockets of the people of the District and the pockets of the people of the United States.

Mr. SCOTT. Why does this bill impose a hardship upon the railroad company if the District is to meet the expense?

Mr. COWHERD. This bill does not impose any hardship upon the railroad company.

Mr. SCOTT. I understood the gentleman to say that we were endeavoring by passing this bill to order the street railway company to give its employees, or certain of them, twenty days' leave of absence.

Mr. COWHERD. We are.

Mr. SCOTT. Later on the gentleman, in his argument, said that we are compelling the company to give leave to its employees. It seems to me that the statements of the gentleman are hardly consistent.

Mr. COWHERD. If the gentleman will permit me, I said we had no right to say to the street railroad companies, "You shall give certain of your employees leave and not others." We might as well say to the companies, "You shall give your motormen and your conductors twenty days' leave of absence," which would be a hardship upon the railroad company for the Government of the United States to go and say to them, "You must give leave of absence to this class of your employees." I say it is a hardship upon the Government, upon the people, of the District, when we go and say to this railroad company, "You must give these men leave of absence." And, in the next place, when given, it must be paid for by the Government.

Mr. SCOTT. It would only be a hardship if we ask them to give leave to experienced men and require them to pay for the services of substitutes who were inexperienced.

Mr. PEARRE. Will the gentleman from Missouri tell me his definition of an employee?

Mr. COWHERD. There is no need of going into that technical proposition.

Mr. PEARRE. What is an employee?

Mr. COWHERD. I say there is no need of going into a technical proposition of that kind.

Mr. PEARRE. You base your whole argument on the proposition that these are employees of the railroad companies. As that is made the point of the controversy, it is well to technically ascertain what is the definition?

Mr. COWHERD. Whether the gentleman is right technically, and whether this man is or is not an employee, the result I maintain is the same in this matter. A substitute is paid half by the railroad company for guarding the property of the railroad and half for keeping the people from being injured by the railroad companies; and if they were injured it would be cause of expense to the company.

Mr. PEARRE. It is not for guarding the property of the company.

Mr. SHAFROTH. I will ask the gentleman from Missouri if it is not a fact that every city of the United States provides that there shall be watchmen at the crossings, to be placed there at the expense of the company, and not at the public expense, in every city in the United States?

Mr. COWHERD. I have not examined the provision as to every city, but I know that in my city, and I know that in every city that I have been able to see any of the provisions concerning, they do provide for the placing of a watchman at every crossing and compel them to pay for a watchman. The only distinction between the watchmen at the street railroad crossings in other cities under their ordinances and the city of Washington is that in this case the Commissioners have the right to select the persons.

Mr. PEARRE. Is it not a fact that in the city of Washington the companies are required to pay the policemen and the city appoints them?

Mr. COWHERD. I did not understand the gentleman's question.

Mr. PEARRE. Is it not a fact that the law with reference to watchmen and policemen at street crossings in this city does not differ from that of any other city, except that in the case of Washington the law authorizes the Commissioners to make the appointment?

Mr. COWHERD. Oh, well, the gentleman has gone over that and so have I. They are watching the property of the railroad company at last.

Now, as to section 2, I have just a word to say on that section. Section 2 attempts to provide a relief fund out of which these men are to receive certain relief, and in the end pension, because that is always the end of that with the police force. This fund will not be sufficient, as every man knows. We attempted to provide a relief fund, as gentlemen will remember, by certain laws for the pension of the Metropolitan police.

They have a much larger force, and yet it was found not to be sufficient, and we had to add additional items, including all fines and forfeitures in certain cases to provide for the relief and pension fund. The result of this thing will be, if this law is passed, that this will be a tax upon the Government to pay for these special men, and in the end we will have to appropriate for the relief and pension fund. Now, several have asked me for time, and I would be glad to yield to them. I yield now ten minutes to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Chairman, you can take this bill which ever way you see fit, and it is bad, in my opinion. Now, to begin with, the act to which the gentleman referred, in my opinion, was wholly wrong. That, however, is passed. I do not believe that any watchman or special police force should have been provided for in that manner. There is not a city in the United States that does not have its special police force. Private citizens can have a special officer appointed if they take the matter before the chief of police, or they can have a special patrol by arrangement made with the chief of police or police commissioners.

Now, here you are going to establish a precedent that Congress shall have the power, and I believe if Congress has the power to compel a street-railroad company in the city of Washington to pay special policemen appointed by the commissioners, then we have that power anywhere. I hold if this matter was ever taken into the courts, that it would not be sustained that the railroad company could be compelled under the law to pay what the gentleman from Maryland says is a Government employee. I do not believe the courts would ever sustain a position of that character.

Some gentlemen run mad on pensions. I believe it is the duty of all men, conservative men, to endeavor as far as possible to stem this rush upon the public Treasury for pensions. As I have said on this floor before, if there is equity in paying pensions to persons employed either wholly, partly, or semiofficially by the Government, then there is a greater equity in paying pensions or

giving leave of absence to every man, woman, and child that lives. Because the money to pay the pension or the leave of absence, either one of which is payment for no services rendered, must ultimately come from the sweat of the face of the whole people.

Now, one citizen is entitled to just as much consideration as another. I believe the unfortunate man who has not been on the Government pay roll is entitled to just as much consideration as he who has been fortunate enough to be on the Government pay roll. Again, if they are pensioned, or if they have leave of absence, being paid without rendering service, that money coming from you and from me and from 70,000,000 of other people, then everyone is entitled to the same consideration.

Here is a case where there are private watchmen in some bill passed as ordinary District bills are, with not more than 10 or 15 members of the House knowing anything about what the legislation contains—because we can not devote attention to such legislation—enacted into law a provision that compels the railroad companies—and I believe justly so—to put a watchman or a special policeman at the crossings. There the law should have ended.

The railroad companies themselves should have been permitted to select those men. But now, because we have unfortunate legislation and the District Commissioners have been given power to select these men, I say the Government should not give them forty days' leave of absence, and neither should the railroad companies be compelled to pay them for forty days' leave of absence. I hope this measure will be defeated, even if the bill is ultimately amended, and I shall vote for the amendment the gentleman from Illinois proposes to offer; but, even if it be amended, I say the legislation is wrong, vicious, and should be defeated. [Applause.]

Mr. COWHERD. I now yield fifteen minutes to the gentleman from New Jersey.

Mr. McDERMOTT. Mr. Chairman, the proposition that the street railroads of Washington should pay policemen was put upon the statute book, so far as we have had it explained by the gentleman from Maryland [Mr. PEARRE], for no discoverable reason. No State in this Union has ever imposed such legislation upon its books. There is not a State that provides that a railroad company shall pay part of the salaries of the police department, and in proper legislation there is no more place for such a provision than would be found for a law enacting that a railroad company should take care of the roof on the city hall.

What was the object of this bill? To provide political places. There was no other object. If it is said that it was for the protection of the public, then the protection of the public has these two safeguards: First, the responsibility of the railroad company in the case of accident, and, second, the duty which was imposed upon the railroad companies of properly guarding their crossings, and they should guard them. Men, women, and children in these days of swift electrical transit require at crossings some one to warn them of the approach of cars. Are these men selected because of their peculiar fitness for the position? The fact that the District Commissioners believe that they should have the power to appoint railroad employees makes no impression on my mind.

My understanding of the District of Columbia and its government is this: That to-day it is the most extravagant on the face of God's footstool, and to-day it is eating the heart out of every property owner within the District. It is absolutely plain to every man who desires to invest capital that if he sends it to the District of Columbia he finds the worst spot in the country for investment.

Now, what is the result of this act, passed, it is said, at the suggestion of the Democratic Senator from Maryland? Take the City and Suburban road, a road running from east to west and north and south in the city of Washington. That road is capitalized and bonded at its exact cost of construction. Congress ordered that road to change its construction, and doubled its cost by enforcing an underground system.

Every man who invested a dollar in stock of that railroad company lost his money, and there is not a chance that within twenty years it will earn a penny on its stock. Within a year I was appointed receiver of that road. Why? Because it was found that it was impossible to earn 60 per cent of the interest upon its bonds. Now, what do we find the application of this law to that railroad to be? First, a 4½-cent fare for a ride that may extend over 13 miles. That is cheap enough so far as the public is concerned. Then a 4 per cent tax on its gross receipts and full taxation of its real estate. That is pretty heavy.

This tax is placed upon its receipts, and then they put special policemen along the line of the road where not one-half of them are required; and I ask the gentleman from Maryland whether he knows what these special policemen cost on that road alone? If he does not, I will tell him. When you gave the franchise to that railroad company you said to them: You shall pay for that franchise outside of the tax upon your real estate 4 per cent upon

every dollar you take in, and then you impose special policemen, and last year the Commissioners of the District of Columbia employed special policemen whose salaries were over 2 per cent on the gross receipts of the railroad. Do you find anything to equal that in this country? Find any such proposition in any municipality in this country, upon a railroad that has never earned enough to pay 40 per cent of the interest on its bonds, representing about half the cost of construction.

I have no objection to a law providing that the railway companies should put warning employees at the railway crossings. But these policemen are in no sense employees of the railway company. Some of them are efficient officers; all of them brave men. All of them are duly and annually complimented by the Commissioners of the District of Columbia, who duly and annually compliment every department whose officers they appoint, and duly and annually compliment everything that they have charge of; and I might remark at this point that it would require the reincarnation of Charles Dickens to properly describe some of the maneuvers of municipal government in this District.

Now, the proper thing for a dignified Congress to do is that suggested by the gentleman from California—to provide that these corporations, holding public franchises and bound to protect the public, shall at these street crossings place employees of the railroad companies. These policemen now employed will obey no order, will take no instruction, from the railroad companies. The railroad companies can not remove them, can not give them orders. They do not act in concert with the employees of the railroad company. They have no special knowledge of railroading, and railroading is a science. The protection of the public is the one great object of the efficient manager of a railroad company, because his company has to pay, and pay dearly, as ordinary juries give their verdicts, if there is a failure to observe proper precautions in the management of the company.

There would be no objections on the part of these corporations of this District if a law were enacted providing that wherever the District Commissioners say it shall be done, the railroad companies shall place men, proper and efficient men, at these railroad crossings. But what the companies do object to is the fact that these men are upon the pay rolls of the companies and yet render absolutely no service to the companies.

I do not desire to object to any legislation that may bring these men into conformity with others except for the reason that the basic proposition of putting men under the direction of the police department, but at the cost of the corporations, at the crossings is wrong. This system was adopted without reason; it has continued without reason. It does not give the public proper protection, and it is an imposition of unjust taxation.

Taking the proposition of the gentleman from Maryland, that these men are engaged in public service, irrespective of their relation to the management of the cars, then you have no right to charge the railroad companies with their salaries, for that is taking private property for public use. The minute you admit the proposition that these men are engaged in a service not created by reason of the fact of a railroad crossing, that minute you subtract from the power of Congress to continue this burden. It is only upon the theory that the exercise of a public franchise creates a necessity for these officers that you can impose any such burden.

And while the burden is wrong in the way it is imposed, it does not do the public any good. These men render little or no services. They would be efficient if they had anything to do, and are not efficient because they have not anything to do.

The proper thing for Congress to do is to legislate that the railroad companies shall protect the public, not that these political officers shall be kept on the pay roll of the railroad companies of this District.

Mr. MUDD. I would like to ask the gentleman from Missouri [Mr. COWHERD] whether we can not agree upon a time for closing the general debate?

Mr. COWHERD. The gentleman from Tennessee [Mr. GAINES] and the gentleman from South Carolina [Mr. FINLEY] have each asked for five minutes.

Mr. MUDD. As there will be opportunity for debate under the five-minute rule after the general debate is closed, I ask unanimous consent that general debate be closed in ten minutes.

There was no objection.

Mr. COWHERD. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, when the company built its road on the street, it made, we must presume, the street dangerous for use by pedestrians and equestrians. The fact that the street car operates on the street makes the street dangerous. The street car creates the danger upon the highway, and under the law it is the duty of the street-car company to protect the public from the danger thus created. Yet, after the Government has given the company the right of way, gentlemen come here and

ask the Government to help pay for providing against the danger which the street-car company itself creates. These gentlemen interested in these corporations are never satisfied. I take it that if they took Congress to be composed of a lot of knaves they would want all of their employees paid by the Government while they took as their income all of the revenue derived from the railroad.

Now, should Congress either directly or indirectly pay to protect the public from a danger which the street-car company itself creates? Clearly not. The gentleman from New Jersey [Mr. McDERMOTT] says that none of the States have statutes requiring that men be stationed in this way at railroad crossings. I think there is a statute of that kind in my own State. I know there is a requirement in the charters of some of these roads. Notably one in Chattanooga.

Mr. CLARK. Why should the city authorities of the city of Washington be permitted to appoint employees for this street railway company?

Mr. GAINES of Tennessee. The city ought not to do that sort of thing. On the contrary, the city ought not to pay the employees of the railroad. The railroad, as I have stated, plainly creates a danger; it creates a death trap; it endangers the use of the street. The street was originally laid out for the God-made man and not for the man-made man. A human being has a superior right. That is the law of this country and the highest court of the country has said so. Now, then, when the street car comes along under the shadow of the opinion of that court and creates a danger and a death trap, as the gentleman from Missouri [Mr. COWHERD] has well said, in order to protect themselves from lawsuits, to protect themselves from criminal prosecution, we put a watchman there, and now they come along and say the public must pay for that watchman. The public did not put the railroad there; the public does not create the danger; the public does not use the street as a railway track. It is the street-car company that creates the danger, and the street-car company should be made to protect the public from the danger which the corporation creates.

Mr. McDERMOTT. They have no objection to protecting the public.

Mr. GAINES of Tennessee. They are coming here and asking that the Government share in the expense of the police they put there.

Mr. PEARRE. I would like to ask the gentleman from Tennessee whether his argument would not apply as well to the livery-stable keeper or to one who operates automobiles.

Mr. GAINES of Tennessee. When the livery-stable keeper comes here and gets rights, we will look after him. I am trying to look after the public, and I hope the gentleman from Maryland is trying to do it. I have no interest in the railroad or in the livery stable or in anything else that lives by virtue of law. I stand here stripped of any influence of the sort, one way or the other.

Mr. PEARRE. I am convinced of the gentleman's virtue without any argument in that behalf, but will the gentleman answer the question as to whether his argument would not apply equally well to the man who operates automobiles in the street or to a livery-stable keeper?

Mr. GAINES of Tennessee. Well, if the automobiles were so dangerous and the Government gave them the right to go up Pennsylvania avenue, do you think it would be the duty of the city to pay for policemen to go along and keep them from running over anybody? Not at all.

Mr. SHAFROTH. If the automobile company were to operate in the streets of this city, running at intervals of ever minute or two, why they would be required and ought to be required to have people stationed along to protect citizens.

Mr. GAINES of Tennessee. Yes; but they would not permit them to go along in the street at that rate and yet here are the street cars—

Mr. PEARRE. How in regard to the bicycles?

Mr. GAINES of Tennessee. Oh, Mr. Chairman, I do not yield to this cross firing here in my time. These electric cars are dangerous. Everybody knows that. They are very large, larger almost than some of the Pullman cars, and they are dangerous, and the street-car company knows they are dangerous, and hence it is that we require that these guards, that they are, be placed at the intersection of the cross streets, and if the statute does not require them they ought to be made to do it anyhow.

Mr. COWHERD. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the present law provides that special policemen shall be stationed at certain street railway crossings in the District of Columbia, and it further provides that the railway companies shall pay the wages of those special policemen. Now, I am sure that a great deal of the discussion here is irrelevant, because the proposition as to whether or not this shall continue to be the law is not involved in this bill, but if it was there can be no question as to the power of Congress to do so.

It has been ruled in the courts of this country time and again that it is entirely within the province of the legislative body to require that watchmen or special policemen, or whatever they may be called, shall be stationed at certain crossings which are dangerous to the public, in order that the interests of the public may be guarded; but this bill, Mr. Chairman, goes beyond that, and it is obnoxious and objectionable because it gives to these 37 policemen who are paid by the street railway companies forty days' leave of absence each year at the expense of the government of the District of Columbia and to provide a pension fund for their benefit. Now, for my part I can not see and do not see why this departure should be made.

In my judgment, if it is right and proper, and I think it is, for the street railway company to pay these special policemen as now provided by law, it is entirely right that the street railway company should pay the increased cost provided for in this bill. If one is right, the other is. The proposition here would give them forty days' leave of absence with pay, that pay to come out of the government of the District of Columbia. So, Mr. Chairman, I do not think the people of the United States and the people of the District of Columbia should be called upon to provide a fund of this kind to be given to the employees of a street railway company or anyone else.

Now, as to whether or not these people should be named by the Commissioners of the District of Columbia is not involved in this bill, and if a bill was brought here of the kind and character suggested by the gentleman from New Jersey, I for one should be glad to vote for it and would do so; but that proposition is not here. By the bill under consideration it is proposed to take money out of the treasury of the District of Columbia—that money provided by taxation on the property of the District and by appropriation from the United States Treasury—and to pay these special employees of street railway companies, which is objectionable in principle, as I see it, and I think that this bill should be killed, and the only motion that I can think of that would render it entirely unobjectionable would be one to strike out the enacting clause of the bill.

Mr. COWHERD. Mr. Chairman, is it in order at this time to move to strike out the enacting clause?

The CHAIRMAN. General debate is not closed yet.

Mr. FINLEY. I surrender back the time remaining to me.

Mr. COWHERD. I only desired to know whether it would be in order at this time, or whether the motion must come after the reading of the first section.

The CHAIRMAN. It will be in order after the general debate is closed. The gentleman has one minute remaining.

Mr. COWHERD. I will yield that one minute to the gentleman from Maine [Mr. POWERS].

Mr. POWERS of Maine. Mr. Chairman. I do not regard this bill as one we should pass. If anything should be done, we should repeal that part of the law which permits the Commissioners to appoint these policemen. I merely rise to reply to the suggestion of the gentleman from Maryland, as to why we should not regulate the speed of automobiles. The persons operating railroads of this character operate under a franchise and take toll from the public. Persons traveling along the street individually and not taking toll from the public occupy a very different position.

The CHAIRMAN. The time for general debate has expired. The Clerk will read.

The Clerk read the first section of the bill.

Mr. COWHERD. Mr. Chairman, I move to strike out the enacting clause of the bill.

Mr. MUDD. Does the gentleman from Missouri desire to be heard on that?

Mr. COWHERD. No; I do not care to say anything further.

Mr. MUDD. Mr. Chairman, I want to say a word or two in opposition to that motion. It seems to me the simple question to be determined here is whether or not Congress wants to give to these special employees of the District government the same leave of absence that other employees have; because while the fact is, as we all know, that the railroad companies pay the salaries of these employees, the other fact is that the companies have no control over these men, that the services performed are not particularly for the companies any more than, nor as much as, for the public, and the companies have nothing to do with the appointment of these people.

I want to remind gentlemen that they seem to lose sight of that fact when they undertake to find an analogy in the case of other cities. I do not believe it will be found in any other city of the United States that appointments of these people are provided for as they are in this bill. Railroad companies in other cities are required to employ watchmen at their crossings, but they employ them themselves at such salaries as they may fix, and they have complete control over them. Now, I submit that, while the House has this bill in its possession and can do with it as it pleases, yet

it is hardly a proper thing to do to strike out the enacting clause and kill the bill.

I want to say for myself, as the acting chairman of the committee for the time being, that if the chairman of the Committee on Appropriations [Mr. CANNON] is confident of the truth of his assertion that other policemen only have twenty days' leave of absence all told, I am willing to accept an amendment to that effect. There was no opposition to this bill whatever in the committee. The bill comes from the Commissioners of the District of Columbia with their unqualified approval.

Mr. COWHERD. If the gentleman will pardon me, he knows that whenever this bill has been taken up I have opposed it.

Mr. MUDD. I have no doubt the gentleman is opposed to the bill. He has convinced the committee of that.

Mr. COWHERD. The gentleman said there was no opposition in the committee.

Mr. MUDD. I say when this bill was considered in the committee no one manifested any opposition. The gentleman from Missouri was away looking after other matters, but of course his statement is accepted when he says that he has been opposed to the bill. It seems to me these men ought to have this leave of absence. They are employees of the District government, and they are entitled to the same leave of absence that other men are who are engaged, in part at least, in the same class of work. Of course if the House desires a different provision with reference to the payment for this leave of absence, then it is for the House to say so. If it is desired that the railroad companies shall pay the salaries of the substitutes made necessary by these leaves of absence, then let us so provide; but the pregnant fact is that these people are appointed by the District government, are under the control of the District government, and I can see no reason why they should not have the leave of absence that the Government of the United States accords to all of its employees in every branch of the service. However, I will submit to the judgment of the committee.

Mr. MORRELL. I move to strike out the last word. In reply to the gentleman from Illinois, I may say that I have communicated with the Commissioners of the District, and the reply that I have received from them states that the appropriation act providing for the expenses of the District of Columbia, approved March 3, 1897, reads as follows:

Hereafter each of the members of the Metropolitan police force shall be entitled to leave of absence each year, with pay for such time, not exceeding twenty days, as the Commissioners shall determine.

Section 32 of chapter 46 of the compiled statutes of the District of Columbia: "Whenever any member of the police force in the actual discharge of his duty shall become actually disabled, his necessary expenses during the time of such disability, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the Commissioners, may become a charge upon the policemen's fund. But the Commissioners may discontinue such allowance for any satisfactory reason."

Under the manual provided for the government of the Metropolitan police force the Commissioners allow thirty days' leave for sickness. These regulations are authorized by law to be made by the Commissioners, and where the time exceeds thirty days the Commissioners, in their discretion, may allow such excess on the certificate of the police surgeon.

This communication was received directly from the Commissioners of the District of Columbia.

Mr. CANNON. That does not give arbitrarily thirty days' sick leave. There is a provision that the injury shall be in line of duty, and a medical certificate, and everything of that kind; and then there may be a charge upon the special police pension fund; and then they may renew it, until it gets up to thirty days; but this is a proposition giving twenty days' sick leave, independent of anything.

Mr. MORRELL. I think the gentleman from Maryland has agreed that the same law shall prevail with these crossing policemen as does for the regular Metropolitan force.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri to strike out the enacting clause.

The question was taken, and the motion was agreed to.

Mr. COWHERD. Mr. Chairman, I move that the committee now rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GILLET of Massachusetts reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 12347, and had instructed him to report the same back to the House with the enacting clause stricken out.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following

titles; in which the concurrence of the House of Representatives was requested:

S. 4983. An act granting an increase of pension to John W. Smoot;
 S. 2347. An act granting an increase of pension to Alfred M. Wheeler;
 S. 4293. An act granting an increase of pension to Elizabeth C. Vincent;
 S. 4979. An act granting an increase of pension to Paul Fuchs;
 S. 4871. An act granting an increase of pension to Helen M. Worthen;
 S. 3397. An act granting an increase of pension to Eliza A. Walker;
 S. 500. An act granting a pension to Samuel S. Beaver;
 S. 3321. An act granting a pension to Patrick J. Murphy;
 S. 4393. An act granting an increase of pension to William M. Hodge;
 S. 3279. An act granting a pension to John Coolen;
 S. 4238. An act granting an increase of pension to Philo F. Englesby;
 S. 2461. An act granting an increase of pension to George W. McDowell;
 S. 4962. An act to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect;
 S. 2081. An act granting an increase of pension to Horatio N. Whitbeck;
 S. 5065. An act granting a pension to Jemima McClure;
 S. 4619. An act granting an increase of pension to Clifford Neff Fyfe;
 S. 4300. An act granting an increase of pension to Ann Comins;
 S. 3999. An act granting an increase of pension to Emma S. Hannah;
 S. 4758. An act granting an increase of pension to Mary L. Doane;
 S. 1593. An act granting an increase of pension to Ellen C. Winslow;
 S. 4783. An act granting an increase of pension to Mary Breckons;
 S. 4494. An act granting an increase of pension to Oscar Van Tassel;
 S. 1638. An act granting a pension to John R. Homer Scott;
 S. 2346. An act granting a pension to Amanda C. Bayliss;
 S. 4865. An act granting an increase of pension to Joseph D. Hazzard;
 S. 3998. An act granting an increase of pension to Emma L. Kimble;
 S. 2050. An act granting an increase of pension to Edward N. Goff;
 S. 4004. An act granting an increase of pension to Thomas L. Nelson;
 S. 148. An act to establish a fish-hatching and fish station in the State of Utah;
 S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes;
 S. 280. An act to provide for enlarging the public building at Kalamazoo, Mich.;
 S. 3401. An act for the relief of H. Glafcke;
 S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State;
 S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company of the State of Florida to construct a bridge across the Manatee River in the State of Florida;
 S. 5269. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States;
 S. 4148. An act to grant certain lands to the city of Colorado Springs, Colo.; and
 S. R. 80. Joint resolution postponing the payment of taxes on real estate in the District of Columbia for the fiscal year 1903 from November, 1902, to May, 1903, and for other purposes.
 The message also announced that the Senate had passed without amendment bills of the following titles:
 H. R. 8592. An act for the relief of Henry Lane;
 H. R. 1678. An act granting a pension to Mary E. F. Gilman;
 H. R. 7903. An act granting an increase of pension to Ernest Wagner;
 H. R. 2526. An act granting an increase of pension to William J. Simmons;
 H. R. 8826. An act granting an increase of pension to George W. Dodge;

H. R. 639. An act granting an increase of pension to Justus Canfield;
 H. R. 9413. An act granting a pension to Mary E. Holden;
 H. R. 7782. An act granting an increase of pension to Thomas P. Smith;
 H. R. 5560. An act granting an increase of pension to Annie L. Evens;
 H. R. 1811. An act granting an increase of pension to Thomas Milsted;
 H. R. 2207. An act granting an increase of pension to Louis Hahn;
 H. R. 11839. An act authorizing the Secretary of War to loan certain tents for use at Knights of Pythias encampment to be held at San Francisco, Cal.;
 H. R. 11550. An act granting an increase of pension to William G. Gray;
 H. R. 8631. An act granting a pension to Mary E. S. Hays;
 H. R. 9140. An act granting an increase of pension to Mary Ann E. Sperry;
 H. R. 10951. An act granting an increase of pension to Pauline M. Roberts;
 H. R. 8553. An act granting a pension to Joseph Tusinski;
 H. R. 12129. An act granting a pension to Minnie M. Rice;
 H. R. 2619. An act granting an increase of pension to William Holgate;
 H. R. 6020. An act granting an increase of pension to Russel A. Williams;
 H. R. 6107. An act granting an increase of pension to Elijah E. Harvey;
 H. R. 2167. An act granting a pension to Mahala Jane Kuhn;
 H. R. 10532. An act granting an increase of pension to John L. Bowman;
 H. R. 2128. An act granting an increase of pension to Abram O. Kindy;
 H. R. 658. An act granting an increase of pension to John H. Jack;
 H. R. 11737. An act granting a pension to Irenia C. Hill; and
 H. R. 6760. An act granting a pension to Susan House.

GEORGE W. KING.

Mr. MUDD. I now call up the bill S. 2966 and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will first report the bill, and the Chair will submit the request.

The Clerk read as follows:

A bill (S. 2966) for the relief of George W. King.

Be it enacted, etc. That the following real estate, to wit, parts of lots 228 and 229, in square 1290, in the city of Washington, D. C., described as follows: Beginning for the same at a point on the east side of Thirty-fourth street 8 feet north of the dividing line between said lots and running thence south on Thirty-fourth street 24 feet; thence east parallel with T street 96 feet to the rear line of said lot; thence north with said rear line 24 feet, and thence west to the place of beginning, heretofore purchased and conveyed to George W. King, of the city of Washington, D. C., be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act, by reason of the alienage of one Patrick Mahon, a former owner of said real estate, are hereby remitted.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill just reported to the House be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MUDD. Mr. Speaker, that is all the business from the Committee on the District of Columbia.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the resolution that I send to the Clerk's desk may have consideration at this time.

The Clerk read as follows:

Resolved, That the Committee on Interstate and Foreign Commerce be hereby authorized to hold its sessions without regard to the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. I would ask the gentleman from Iowa if this resolution meets the approval of the minority members of the committee?

Mr. HEPBURN. I do not know. I have no doubt but that it will meet with their approval.

The SPEAKER. The Chair hears no objection.

The question was taken, and the resolution was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13676, being the Military Academy appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union, for the consideration of the bill H. R. 13676, being the Military Academy appropriation bill.

Mr. HAY. Mr. Speaker, I would ask the gentleman if, before going into the Committee of the Whole, we could not agree upon time for general debate?

Mr. HULL. I thought we could let it run on for a while and there would be no trouble about closing general debate.

Mr. HAY. I think we could possibly get through sooner by agreeing upon a time for general debate before we go into committee.

Mr. HULL. I do not care about it.

Mr. HAY. I say we will get through in less time if we could agree upon an hour, before we go into committee, than by letting it run.

Mr. HULL. What is the objection to agreeing to let it run on for some little time?

Mr. HAY. I have none especially, but I ask unanimous consent—

Mr. HULL. I say, Mr. Speaker, that one gentleman on this side has asked for some time, but not on the bill, and after he has spoken we might have no other desire for additional time; but if the gentleman wants to agree on a time I will ask that we have an hour on each side.

The SPEAKER. The gentleman asks unanimous consent that general debate be limited to an hour on each side. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Iowa, that the House resolve itself into Committee of the Whole House on the state of the Union.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. JENKINS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes.

Mr. HULL. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Mr. Chairman, the bill presents but very few items that can be open to any discussion whatever so far as the ordinary appropriations are concerned. The committee, by unanimous vote on both sides, have made a change in paying cadets at West Point, in order to conform with the pay of cadets at Annapolis. For years we have had submitted to us the proposition to pay the cadets at West Point \$500 a year and one ration, to be paid out of the appropriation for subsistence of the Army. That is exactly what the cadets at Annapolis receive.

Heretofore we have paid the cadets at West Point \$540 a year without a ration. The ration is commuted at the same price as given to Annapolis, 30 cents a day; and it increases the pay of the cadets at West Point in the neighborhood of \$60 a year. It was originally fixed at 35 cents, but the Superintendent of the Military Academy was mistaken as to the amount received at Annapolis. It is 30 cents a day instead of 35.

There is no reason why the two schools should not be paid the same rate. They have the same amount of expense, the same number of charges upon their pay, and it makes constant friction to have one set of boys paid at one rate and another at another rate.

Another proposition that is new is the proposition to have a librarian for the library at West Point. The library is now becoming an important factor in the military education, not only for the cadets at West Point, but for the officers in the Army at large. With the appropriations made for the increase of the library, this year amounting to \$10,000, which seems to be the amount recommended not only by the academic board, but by the Secretary of War, and also by the Board of Visitors at West Point last year and the year previous, it will make the library grow in importance, and in order to get the full benefit of it there ought to be a librarian competent to take charge and classify and control the library.

Another proposition of much greater importance is the adoption of a plan for the enlargement of the Military Academy. Heretofore we have made appropriations from year to year for the build-

ings that were absolutely necessary for the improvement of the post for that year, and that year only, without any regular plan by which the school buildings and quarters could be built up harmoniously.

You remember that during last Congress we increased the number of cadets by the addition of 90, apportioned to the Senators, one for each Senator, and by giving the President 10 more cadets at large, making an increase of 100 cadets at West Point. By the increased representation in this House after this Congress there will be a further increase to correspond with the increased number of members of the House. The cadets are now crowded, without facilities for study, and it is absolutely necessary to at once commence the construction of new cadet quarters.

In addition to that you must at once commence the construction of an academic building. The increased faculty makes the increased number of officers' quarters absolutely imperative. The old heating and lighting plant at West Point is out of date. The light is so bad that cadets go out of there with bad eyesight. The expense of hauling coal to the different places and heating the buildings in the way now done is exceedingly expensive and unsatisfactory, and the proposition is to establish one heating and lighting plant that will supply not only the post as it is to-day, but large enough and with facilities enough to supply the post as it will be when completed. That involves a large expenditure of money.

The committee has provided a large appropriation for this year. Whether it is necessary or not there will be a difference of opinion, but, in my judgment, on the evidence before the committee, it is necessary to commence at once the erection of this plant, providing for its total expenditure not to exceed \$6,500,000, and appropriating practically \$3,000,000 for the plant for the current fiscal year. For lighting and heating, in my judgment, \$1,400,000 is absolutely necessary to begin now, and I think it can be finished during the coming year without any question.

The academic building must be rebuilt now. There is no room now for the students to recite. The cadet quarters must be built now, and the cadet barracks that are to be built must be on the angle with the cadet barracks already existing, for the reason that the cadets all come out and form on the parade ground in front of the quarters and march to the drill ground, and they must be near each other, so they can march as a body in place of being broken up in detachments and coming on the ground at different times.

In my judgment there is no busier body of men in the world than the cadets at West Point. There is absolutely no waste time from early morning until they go to bed at night. Every minute of time is taken up with recitations or drills or exercise except what is used at their meals, so that the loss of five minutes even is regarded as a serious inconvenience to the control of the Academy and to the welfare of the students.

Another one of the buildings which must be largely increased at once is the gymnasium, which, built for a smaller school, is utterly inadequate; and it should be so built that the future Congresses will not be called upon to reconstruct it, so that it will meet the demands of the cadets now provided by law, and will be equal to the demands of the increased number of cadets without further expense on the part of the Government for buildings.

These, Mr. Chairman, are the only points to which I wish to call the attention of the Committee of the Whole at this time.

Mr. CANNON. How many cadets are there?

Mr. HULL. Five hundred and eleven now. That is my recollection.

Mr. CANNON. That is the increased number?

Mr. HULL. That does not cover the increased number that will come in with new members of Congress.

Mr. CANNON. That will be a small number.

A MEMBER. Twenty-nine.

Mr. CANNON. Well, there are 511 there now. Does the gentleman from Iowa [Mr. HULL] know the value of the plant there now?

Mr. HULL. It would be difficult to arrive at the value of the plant. Some of those buildings have been there for nearly a century. Some of the buildings that these new barracks will take the place of have been built three-quarters of a century. We have spent altogether there, I should say, some \$21,000,000 or \$22,000,000 on building and maintenance.

Mr. CANNON. And during the last ten years we have added buildings to the value of some five or six millions, have we not?

Mr. HULL. Yes; more than that, I should think, in the last ten years. But the gentleman will permit me to say that very few of the buildings that have been erected in the last eight or ten years are to be disturbed. The buildings there that are utterly inadequate are the gymnasium and the academic hall; and as to the latter, it is probably desirable to have two buildings for that purpose, rather than one consolidated structure, because of the large number of classes that are to be heard. The buildings

which have been put up within the last ten years are not to be wasted; we propose to utilize them all.

Mr. CANNON. The gentleman says that the cost of the buildings has been from \$20,000,000 to \$25,000,000?

Mr. HULL. No; the whole expense of the Academy.

Mr. CANNON. I was speaking of the cost of the buildings.

Mr. HULL. I can not state that exactly; probably four to five million dollars for buildings during the last ten years.

Mr. CANNON. Four or five million dollars during the last ten years. Now, we have increased the number of cadets 100; and the gentleman says that this increase entails an expense of \$6,500,000 for more buildings.

Mr. PARKER. Oh, no.

Mr. CANNON. A gentleman near me, who is quick in arithmetic, says that the figures I have just stated would mean an expense of \$60,000 to house a cadet.

Mr. HULL. That is not a fair statement. If the gentleman will look over the plans he will find that without regard to this increase it would have been necessary to expend a good part of this money to make a modern institution. It means more than buildings. It is the entire plant. I was mistaken as to amount expended in buildings. In the last ten years the amount is not two million.

Mr. CANNON. Well, if the buildings were all torn down—leveled with the earth—and if we should provide for the expenditure of six million and a half for buildings to accommodate 500 cadets, it would mean \$13,000 per cadet for buildings alone.

Mr. HAY. Not only for cadets, but for officers and professors.

Mr. HULL. The amount I named covers not only expense of buildings but expense of roads, of lighting, heating, etc. If the gentleman would say that the sum named covered the whole plant he would be about right.

Mr. CANNON. That is what I said.

Mr. HULL. No; you said for buildings.

Mr. CANNON. Well, that is all included; in other words, in the last ten years from four to six million dollars have been expended on new buildings.

Mr. HULL. New buildings and improvements and waterworks and roads and maintenance.

Mr. CANNON. The roads are still there?

Mr. HULL. Yes, sir.

Mr. CANNON. And the waterworks are still there?

Mr. HULL. The waterworks need to be improved. The expense of that is estimated to be \$100,000 or more this year.

Mr. CANNON. And you throw away the old waterworks?

Mr. HULL. No; we are not going to throw anything away; but we are going to add to the existing system, because it is inadequate.

Mr. CANNON. Well, there is only one possible defense for this proceeding that I can think of. I have never seen West Point; but it occurs to me the trouble is the spirit of demolition and rivalry that exists between the Army and the Navy. Down here at Annapolis we have entered upon an expenditure of about six and a half millions—

Mr. HULL. Eight and a half.

Mr. CAPRON. And it will cost us twelve millions before the work is done.

Mr. CANNON. "Twelve millions before the work is done!" Now, then, is it possible that less than twelve millions are to be expended on West Point?

Mr. HULL. I think the amount I have named will cover it all.

Mr. CANNON. The gentleman says "he thinks;" he is not sure about it.

Mr. HULL. No man on earth is "sure" about anything which is in the future.

Mr. CANNON. My judgment about the matter is that for about half a million dollars, or probably less, these extra 100 people could be accommodated, and accommodated from every standpoint of efficiency, had it not been that in an evil hour we embarked upon a \$20,000,000 expenditure, as I recollect the amount, though I believe it was finally pared down to eight millions and a half at Annapolis.

Mr. PARKER. May I ask the gentleman a question?

Mr. HULL. Mr. Chairman, I believe I have control of the time.

Mr. CANNON. Oh, I have no time to yield to the gentleman.

Mr. HULL. How much time does the gentleman from New Jersey desire?

Mr. PARKER. I do not want any time, I just want to ask a question.

Mr. HULL. Then I yield.

Mr. PARKER. I would like to ask whether or not the gentleman founded that judgment upon any study of the conditions at West Point?

Mr. CANNON. Oh, well, I know that it takes about so much

space on which to build a building. I have a general idea of what stone and brick and mortar and slate cost. I have a general idea what a heating plant would cost, and I want to say that I have a very friendly disposition to the Army and to the Navy, and I believe in educating the young men who are to become the future officers of the Army and Navy, but I have no doubt whatever that in the construction of the new building at Annapolis already authorized and entered upon and upon this construction that it is absolutely not from the standpoint of utility alone, but with the rankest kind of rank extravagance in addition to utility.

Mr. PARKER. Will the gentleman from Illinois permit me to repeat the question as to whether this judgment is founded upon any study of the conditions at West Point?

Mr. CANNON. Why, I suppose West Point wants to be equal to Annapolis.

Mr. HULL. Oh, no; we did not consider that at all. We did not even look at Annapolis. We looked at what they needed at West Point, taking the Secretary of War, the academic board, and the board of visitors as the basis of our information, and all the information that we could get from any source.

Mr. CANNON. Yes; and still where there has been an expenditure of five, ten, or fifteen millions—God knows how much; the gentleman does not and I do not—and it has been made for a hundred years.

Mr. HULL. I have that on my table, and I will send and get it.

Mr. CANNON. I do not believe that it is necessary for the instruction of these five hundred and odd cadets that you should add a plant costing six millions and a half. The gentleman asks if I have made a study of the situation. No; I have not made a study, yet I have a general idea of what buildings cost.

Mr. HULL. I reserve the balance of my time, Mr. Chairman.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. CROOK, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 18, 1902:

H. R. 7675. An act to construct a light-house keeper's dwelling at Calumet Harbor.

On April 21, 1902:

H. R. 11354. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903; and

H. J. Res. 155. Joint resolution granting permission for the erection of a monument in Charlotte, N. C., for the ornamentation of the public grounds in that city.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. Mr. Chairman, I simply want to say that I concur in what has been said by the chairman about the improvements that should be had at the Military Academy. I had the honor last summer of being on the Board of Visitors and was on the ground and therefore had an opportunity to see what was necessary there. I do not think this can be called rank extravagance, because these buildings are of such a character and the needs of the institution are such that it is absolutely important that this reorganization of the plant at the Military Academy shall begin at once.

An increase of 139 cadets requires that there shall be an increase in the plant, and if we are going to have any improvement of this school, if it is going to be placed upon a modern basis, if the young men who are to be educated for our Army are to receive such an education as it is necessary they should receive, then it is absolutely necessary that this expenditure should be made. I do not think it necessary for me to go into these questions any more fully than has been done by the chairman, and I yield, therefore, thirty minutes of my time to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, some days ago the gentleman from Massachusetts [Mr. GILLET] took occasion to criticize the remarks that had been made a few days previously by my colleague from Kentucky [Mr. WHEELER], and in course of these remarks that gentleman [Mr. GILLET] used this language:

But there are two classes which still look to birth and ancestry. One class is the self-styled aristocratic circle in our great cities who have shown a strong tendency to pay huge prices for empty titles even when they had to be taken with the incumbency of a useless and disreputable husband.

The other class exists almost exclusively in the part of the country dominated hopelessly by the Democratic party, where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood.

On the following day the gentleman from Ohio [Mr. BROMWELL] found an opportunity to read some poetry at the expense of Kentucky, and then proceeded to comment thus:

So much for Colonel Mulligan, and it is particularly the last line of this poem which reminded me that the gentleman from Kentucky had made a

speech which illustrated it most beautifully—"Politics are the damnedest in Kentucky." * * * Mr. Chairman, we have no Indians nor savages in Ohio. The general impression is that while there may not be many Indians in Kentucky, there are still some specimens of savages there.

Then last and least a certain General Funston is reported in the Washington Post of March 4 as having this to say:

There is no more war in the Philippines than there is in Kentucky. Assassins lurk in the cane and shoot down men who are at their mercy, but there are no soldiers in the field to battle with the United States troops. Even respectable guerrilla warfare has ceased.

Now, I desire to comment a little upon these criticisms of my State, and to remind the members of this House and the country of Kentucky's people, her politics, her history, and her achievements.

Now, first let us read over again the objectionable feature of the remarks of the gentleman from Massachusetts. "The other class (of aristocrats) exists almost exclusively in the part of the country dominated hopelessly by the Democratic party, where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood." It is perfectly true that in Kentucky and in the South generally no culture or ability can atone for a taint of color in the blood. We do not believe in social equality with the negroes in the South, and we have very little respect for the white man in the North or South who does believe in social equality between the two races. We believe that the greatest calamity that could befall the white population of this country would be for them to become degenerated by a general admixture of negro blood. Who can think of miscegenation without a shudder of horror. The Jews have preserved the purity of their blood through the ages more successfully than any other race, and they are as a result of this the only race who have survived from the ancient world. For centuries it was a felony for a Jew to land upon the soil of England.

Pride and humiliation, hand in hand,
Walked with them through the world where'er they went;
Trampled and beaten were they as the sand,
And yet unshaken as the continent.

But in a few years after they ceased to be persecuted they came rapidly to the front, and the destinies of the British Empire are in the hands of three Jews. Judah P. Benjamin was her lawyer, Rothschild was her banker, and Disraeli was her prime minister. Upon the other hand, think how other nations have degenerated and disappeared.

Think of the Roman senator, and then look out upon the street and see the modern Italian organ grinder, with his monkey, the descendant of the ancient Roman. Reflect for a moment what Portugal was in the days of Vasco da Gama and of Camoens, when her victorious banner floated in the breeze in every clime and the sails of her merchantmen whitened every sea. But that race soon began an almost indiscriminate marriage with negroes and Indians, and Portugal has not only ceased to be a nation of importance, but her half-breed and mongrel people have been the curse of all the South American and other countries she has attempted to colonize. Let us further reflect that the richer and more luxurious the white population becomes the more the ladies take to raising poodle dogs instead of children.

For example, we have an ominous fact shown in the last census that in Massachusetts, after a lapse of more than three hundred years of civilization, more than half of the population of that State is foreign born. Everybody knows that as a rule the poor and hard-working people raise proportionately the most children in every country. So, in Kentucky, we can not shut our eyes to the importance of watching and curbing every tendency to social equality between the white and colored races. "We believe that no culture, no education, no refinement, no public service can atone for a taint of color in the blood." Our opinion is that any white man who encourages an intermingling of the races is a public enemy and that every step in that direction is a crime. It is not a mere sentiment. This universal race prejudice is the voice of nature and the voice of God crying out for the preservation and purity of the race, and he is a blasphemer against the laws of the Almighty who with hypocritical cant would undertake to tear down and destroy these sentiments. When any white man invites any negro to sit down at his table and to sop with him out of the same dish, that white man then and there establishes social equality between those two at least.

Now, if the most exalted white man in this nation can properly do this with the most cultivated and worthy of the colored race, then by parity of reasoning the poorest and humblest of our white men can surely do the same thing with the poorest and humblest of the negroes.

And if this conduct is proper with the two extremes of society, no good reason can be shown why the intermediate classes should not also freely intermingle on terms of entire social equality, and so we would have social equality all along the line.

Let me tell you that when this sort of social equality is established we shall have torn away the barriers against an entire and indiscriminate intermingling of the two races.

The next step, and quite a short step too, would be intermarriage and a mongrel, degenerate population.

It was but a step from the Capitol to the Tarpeian Rock, and for the sake of our children and our country let us not take that step and no step in that direction. There is not a white girl in Kentucky so poor, so humble, or so ignorant but who would rather marry the meanest, lowest, and most ignorant white man in America than to marry the smartest and best-educated negro in all the world; and there is no decent white man in this country with a marriageable daughter who would not indorse this sentiment.

You in Massachusetts do not believe in negro equality, and so you ought to stop this rot about an aristocracy in Kentucky "where they consider that no culture, no refinement, or ability, or noble service can atone for a taint of color in the blood."

During my first two years in Congress there sat over there among you a negro member from North Carolina, and not one of you ever invited him to visit your family.

Mr. GAINES of Tennessee. They did once by mistake.

Mr. GILBERT. Yes; the chairman of a committee inadvertently invited all the members of the committee to his house, and when he discovered there was a taint of color in the blood of a member of the committee he canceled the engagement. Not only that, but during those two years not a single Republican across the aisle ever invited that colored man down stairs to lunch with him. If any of you did, please stand up. I want to see you, and I want to send your photograph home to my constituents. You gave the negroes the right to vote for you white Republicans, but you have not in the North ever given him the right, or the chance, to vote for another negro.

The negro vote constitutes the balance of power in many Northern States. The Republican majority on this floor now is due to the negro vote. You elected McKinley over Bryan in 1896, by reason of the negro vote. The Republican party has been kept in power ever since the war by reason of the negro vote. And yet no negro was ever elected to Congress from any Northern State.

No negro was ever elected to any State office or ever nominated to any State office since the war in any State north of the Ohio River. Besides that, a Republican Congress set the first example of disfranchising the negro vote in the South by taking from him the right to vote in the District of Columbia. Be honest with yourselves, honest with the negroes, and honest with the white people of the South, and stop this hypocritical cant about "atoning for a taint of color in the blood."

I want to remind the gentleman from Massachusetts that while Governor Shelby, of Kentucky, with sword in one hand and hat in the other, was charging and routing the British at Kings Mountain, Massachusetts farmers were driving cattle across the border to feed the British soldiers in Canada, and Massachusetts statesmen were holding the Hartford convention and were planning and scheming to dissolve the Union.

The gentleman from the Pigtown district of Ohio indorsed the sentiment that "politics are the damnedest in Kentucky," and said that we still had some specimens of savages there.

Let me remind the gentleman that politics became the damnedest in Kentucky only when a lot of Republicans came from the mountains to Frankfort, armed with pistols and Winchester rifles, loaded up with mean whisky, and in utter defiance of the law forcibly drove the legislature from the capitol, chased the members from place to place at the point of the bayonet, and wound up their drunken orgy by a cowardly assassination of the governor of the State.

Let me remind the gentleman that two of these assassins escaped and are now upheld and protected by certain Republican officials in the State of Indiana. If Kentucky's besetting sin is homicide, then Republican governors north of the Ohio River should surrender some of these criminals when they have been indicted and when the governor of our State has duly and repeatedly made requisitions for them. We could better enforce our criminal laws and fewer homicides would be hereafter committed if Northern States would cease to become cities of refuge for the murderers who escape over the border.

I desire to remind the gentleman from Ohio that these refugee criminals have not only been supported and protected, but they have been feasted and toasted and lionized by the Republican party generally. At the last national convention of that party Governor Taylor was sent as a sort of honorary delegate. He was on the floor of that convention and when he arose in his seat to say something the chairman of that convention bawled out: "Come up on the platform, Governor; we all want to see you." Then amidst the waving of handkerchiefs and the clapping of hands this assassin and idol of the Republican convention came forward and bowed his compliments to that smiling and appreciative audience.

There are no savages in Ohio. But they used to swarm over that State and over all the Northwest Territory, and but for the

heroism of Kentucky pioneers the gentleman's State of Ohio would still perhaps be a part of Canada and therefore a part of the British possessions in North America.

Has he forgotten those brave Kentuckians who, with old rifles and powder horns, with buckskin breeches and coonskin caps, followed the leadership of George Rogers Clark, who waded the swamps of that Northwest Territory up to their armpits for ten days in a bleak winter and drove the Indians from Kaskaskia and Vincennes and moved the northern line of our possessions from the Ohio River up to the Lakes? By the way, now that you Republicans are about to send some special envoys to the Court of St. James to assist in the coronation of Edward VII, it is a good time to remind the people, and especially the younger generation, that when our country was young and feeble it was this same old England which was not satisfied with trying to crush us with ordinary war but she armed the savage Indians, filled them with whisky, and while the young and able-bodied of the men were on the Atlantic seaboard fighting her redcoats it was the same England that turned these savages loose to murder and scalp the women and children that were left unprotected upon our Western frontier.

And General Funston tells us that "there is no more war in the Philippines than there is in Kentucky."

What a commentary that is upon the Administration, to keep 60,000 soldiers at an expense of more than a hundred millions of dollars a year in the Philippine Islands when there is no war there! Certainly there is no war in the State of Kentucky, and no assassinations have occurred there since the one I have mentioned, and certainly Kentucky needs no defense from such a wanton slander as this to those who know her history. Did you know that Kentucky was the first State in the Union to establish a general system of common schools under which all of the property of all the people was taxed for the education of all the children? Kentucky was the first State in the Union to clamor for the free navigation of the Mississippi River and for the purchase of the Louisiana Territory.

Kentucky was the first State in the Union to demand reparation and apology for impressing American sailors, and when these were denied she was the first State to agitate the necessity for the second war with England, and when the war came her soldiers were the first to take their flatboats and float down the Ohio and Mississippi rivers to New Orleans, and but for the soldiers of Kentucky and Tennessee General Jackson's great victory at New Orleans would never have been achieved. Kentucky was the first State in the Union to agitate the gradual emancipation of the slaves and to urge compensation to the owners instead of war. For more than a generation the great Commoner, Henry Clay, stood upon the floor of this Capitol, and with one hand upon the shoulder of the Northern abolitionist and with the other hand upon the shoulder of the Southern slaveholder, he, with unequalled eloquence, begged for peace.

Kentucky furnished more soldiers in the Texas revolution than any State in the Union, and was the only State that had as many as a regiment of soldiers at the great battle of San Jacinto.

Kentucky furnished more soldiers in the war with Mexico than any other State in the Union, and it was a gallant young Kentuckian who scaled the walls of Chapultepec and planted the Stars and Stripes above the palace of the Montezumas. The first steamboat ever seen in the world was invented and constructed by John Fitch, who was a Kentuckian, and who now lies buried at Bardstown.

The greatest American ornithologist was James Audubon, a Kentuckian, whose studies and illustrations of birds are the admiration of every civilized country.

The finest piece of statuary ever seen in America is the "Triumph of Chastity," carved by Joel T. Hart, a Kentucky sculptor.

The finest portrait in the Corcoran Art Gallery is a painting of Henry Clay, by Jewett, a Kentucky painter. It was of this picture that Charles Sumner, himself an art critic, said, "This must be the work of Rembrandt, for no American artist has attained such excellence."

The greatest lawyer who has sat upon the bench of the Supreme Court since the death of John Marshall was Samuel F. Miller, who was first a Kentucky doctor and then a Kentucky lawyer before he moved to Iowa.

The learned and classical opinions of Chief Justice Robertson, of Kentucky, have been read with admiration and followed as precedents in all the great courts, from Washington to Westminster Hall.

The first successful operation of ovariectomy was performed by Dr. Ephraim McDowell, a Kentucky doctor, and the first successful hip-joint amputation in surgery was performed by Dr. Brashers, of Kentucky. An account of these achievements in surgery were read with admiration and followed as precedents in the great medical schools of Paris, Edinburgh, and Berlin.

The greatest and most respectable religious denomination that

ever originated on the Western Hemisphere was founded and promulgated by a Kentucky preacher, Alexander Campbell. The most learned and eloquent preacher the Presbyterian Church has produced in a hundred years was Robert J. Breckinridge, of Kentucky. The most gifted pulpit orator the Methodist Church has seen since the days of John Wesley, and the man who Henry said was the greatest orator he had ever heard, was Bishop Bascom, of Kentucky. The most learned Hebrew scholar and greatest theologian the Baptist Church can boast of in America was the Rev. John A. Broadus, of Kentucky. The great historian of the Roman Catholic Church, the man who wrote the splendid reply to Daubigne's history of the Protestant reformation, was Archbishop Martin J. Spaulding, of Kentucky.

There is no State in the Union with a better and cleaner record than Kentucky. We have scarcely any criminal classes at all, outside of the negro population and a few lawless counties in the mountains, "hopelessly dominated by the Republican party." [Loud applause on the Democratic side.]

No State of equal population has fewer suits for seduction, for slander, for divorce, for criminal conversation, for libel, or other offenses against the person.

No State has fewer prosecutions for robbery, for theft, for arson, for burglary, or other crimes against the rights of property.

In many counties the jail door stands ajar without an occupant; grand juries meet and adjourn without returning an indictment.

I venture to assert there are more crimes committed in the single city of Boston or Cincinnati than there are in the whole State of Kentucky. A single mob in Cincinnati burned the court-house, destroyed the records, and burned and destroyed more property than all the mobs ever seen in Kentucky.

And one bright Sunday morning in Massachusetts nine people—men, women, and children—were tied to the stake and burned to death as witches. No such horrid crimes as these ever disgraced the annals of Kentucky.

In Kentucky the negro is protected in all of his political rights better than in any other State.

We have fewer millionaires and fewer tramps and paupers than any State in the Union; property is more equally distributed; everyone who tries lives in peace and comfort, and there is no newly rich class with ignorant impudence undertaking to lord it over the rest. We are all poor and proud, and the poorer the prouder. All of us white folks are in this sense aristocratic alike.

No, gentlemen, there are no wars or rumors of wars in Kentucky. Our politics are cleaner and better than they are in most of the States, since we have put some of the leading Republicans in the penitentiary and have driven others to find refuge beyond the Ohio.

But there is still in Kentucky a wide gulf, which no man and no woman can cross or wants to cross. This gulf separates the white people from the negroes; and no culture, no ability, or refinement, or public service can atone for a taint of color in the blood.

Kentucky was settled by men and women of dauntless spirit and heroic mold.

When Abram was called from Urr of the Chaldees to found a new nation in the Land of Promise, he took with him his servants and his cattle, and he found the land flowing with milk and honey.

When Romulus and Remus laid the foundation of the imperial city, the flight of birds marked out the division lines, trust in the Golden Fleece assured them of wealth, and the wild wolf had been domesticated to furnish them with milk. But our ancestors left home and civilization far behind them and over the mountains. They lighted their fires in a trackless wilderness, while there lurked concealed upon every side the deadliest and most relentless of savage foes. Only at long intervals had they any bread at all, and this was of corn cakes baked in ashes. Their meat consisted of wild game brought down by the unerring aim of the rifle. Their houses consisted of the rudest log huts, without glass in the windows, without carpets upon the floor, and without parlor or piano. Like the rebuilders of the temple, they toiled through the day with the implements of their labor in one hand and their weapons of defense in the other. At nightfall these pioneers locked themselves within their cabins against prowling wolves and roving savages, that then really existed in Kentucky. They had no books or newspapers to while away the long hours of the evening, and when sleep came at last to their tired and careworn bodies they flung themselves down on the skins of wild animals, while their children were hushed to sleep by the weird lullabies furnished by the hooting of the owl and the scream of the panther.

And yet they were a brave, chivalrous, splendid people. They were the knight-errants of the wilderness. The lady love of the Kentucky pioneer was the wife of his bosom. His children were the hostages that pledged him to the love of home and country.

If he was a terror to the wild animals and the wild Indians, he was a still greater terror to the despoiler of home or honor; and—

What, though on humble fare they dined,
Wore hoddens-gray, and a' that;
Give fools their silk and knaves their wine—
A man's a man for a' that.

[Prolonged applause.]

Mr. HULL. I yield thirty minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman from Kentucky [Mr. GILBERT] who has just taken his seat quoted a sentence used by me in this House some weeks ago which he said was objectionable; then he deliberately proceeded to say that I accurately expressed his feeling and the feeling of his part of the country; and then he went on to criticize the attitude of Massachusetts on this unfortunate question.

I admit, Mr. Chairman, that there is a prejudice in Massachusetts against the negro. I believe there is probably a more inherent, instinctive, physical repugnance toward him than there is in the South—a repugnance which often makes us wonder at the swarm of mulattoes in the South. But that instinctive repugnance, instead of being systematically cultivated and developed into an artificial creed, is generally recognized as unreasonable and uncharitable and unfair and by the better sentiment of the community is discouraged and repressed; and however a man may feel about his own social relations with a negro, he recognizes the right of each person to determine that for himself, and would consider it not only presumptuous but outrageous to endeavor to prevent others extending a hospitality from which his own prejudice restrained him.

Mr. GILBERT. Will the gentleman allow me a moment?

Mr. GILLETT of Massachusetts. Yes, sir.

Mr. GILBERT. I wish to ask what the gentleman means when he says that he can not understand why the people in the South discriminate against the negro on account of the taint of color in the blood. What does the gentleman mean by that remark?

Mr. GILLETT of Massachusetts. I think that my meaning was pretty plain.

Mr. GILBERT. Do you mean to say that there ought not to be any discrimination?

Mr. GILLETT of Massachusetts. No, Mr. Chairman; I recognize the existence of this prejudice; but what I blame in the South is not the instinctive repugnance against the colored race, but the attempt to make everybody else, by social ostracism, however they may feel, take the same attitude. Now, with us, although we have that repugnance—

Mr. BARTLETT. Is it not true that in Boston, when the distinguished, educated, and refined Booker Washington, from Alabama, went there a few weeks ago, it was impossible for him to find entertainment or lodging at a single respectable hotel in that city?

Mr. GILLETT of Massachusetts. Well, Mr. Speaker, the gentleman has made two mistakes in his statement. In the first place, the incident to which he refers did not occur in Boston, but in my own city of Springfield—

Mr. BARTLETT. Pretty close to Boston.

Mr. GILLETT of Massachusetts. I happen to know all about that case; and the fact—

Mr. BARTLETT. It occurred in Massachusetts, did it not?

Mr. GILLETT of Massachusetts. Yes, sir. But it is not a fact that Mr. Washington could not get lodging in any respectable hotel. The fact is simply this: He came late in the evening to the Springfield hotel, where he had stopped for many years, where he was always a welcome guest, and they told him that the hotel was full. It generally was full at that season of the year. It happened that that very evening (I am acquainted with the facts, for I inquired about this matter a short time ago when I was home)—it happened that that very evening they had turned away a number of people. They said that the other principal hotel of the place was also full, for they had telephoned there already for others.

The clerk told Mr. Washington, whom he knew well, these facts, and said: "There is a hotel right across the street to which we have sent this evening a number of guests whom we could not accommodate. We are sure that by telephoning we can get you a room there; and we shall be glad to have you come in here to breakfast, if you will, in the morning." They knew him, and instead of there being a prejudice against him, the only trouble was that the hotel where he generally stayed was full. He went across the street and obtained lodging in this other hotel, just as respectable, and that is all there is to the incident.

Now, I presume that when some gentleman like my friend from Georgia [Mr. BARTLETT] reads the report in a newspaper that a negro does not get into a hotel because it is full, he at once jumps to the conclusion that the hotel was not full and that the statement was merely a pretext. But let me tell my friend that he is certainly mistaken in this instance. That hotel had frequently

entertained Mr. Washington before, would have been glad to then, and will be glad to in the future.

Mr. GAINES of Tennessee. Why was it that Governor Wolcott did not bring the negro he had on his staff down to the Nashville Centennial, and why was it that the legislature passed an act making everybody pay his own way down there, so as to get rid of that negro on that trip?

Mr. GILLETT of Massachusetts. I do not know whether that was true or not.

Mr. GAINES of Tennessee. That was told to me by a member of the party.

Mr. GILLETT of Massachusetts. I have the floor.

Mr. GROSVENOR. Allow me to say that Governor Wolcott was not the governor of that State at the time of the Nashville Centennial.

Mr. GAINES of Tennessee. At all events, the statement is true in regard to whoever was governor at that time. I state it as a fact.

Mr. GILLETT of Massachusetts. I have not yielded to the gentleman from Tennessee, and I hope the Chair will protect me in my right to the floor.

If, however, the matter was as the gentleman states, I think it reflects credit on Governor Wolcott. It shows that he did not wish to offend the sensibilities of gentlemen like the gentleman from Tennessee by taking a colored man with him down there. The fact as stated is no discredit to him. It simply illustrates the attitude which I think is recognized and practiced in Massachusetts as correct; that no matter what prejudice one man may feel, he should not insist on forcing his prejudice on others who do not sympathize with him.

Now, we in Massachusetts recognize the terrible sufferings that you gentlemen in the South have undergone, the hard problem you are now struggling with. We do not blame you for not submitting to negro domination. We recognize, too, that the negro recently emerged from slavery, still bound by the habits of centuries of savagery, can not, as a race, be your social companions. We know, too, that the first steps of any race into civilization exaggerate their worst qualities, imitate vices rather than virtues, and that the first stage of improvement is a coarse self-assertion and a brutal claim of equality, which is most disagreeable and exasperating.

But we do not think you ought to keep a whole race in everlasting ignorance and degradation because the intermediate stages are disagreeable and inconvenient. And when one does emerge from his surroundings and prove himself the peer of any of you in intelligence and refinement and high purpose, we think he should be encouraged and rewarded.

I have no sympathy with that artificial code of society which will entertain as an equal and honored guest the man of openly immoral life and vicious habits and coarse nature, who boasts, perhaps, of fraud and perjury at elections, whose hands are known to be stained with the blood of barbarous lynchings, and then will shut the door on a man of clean person and pure life, of high purpose and fine character and cultivated intelligence, only because he is black. There is no other spot in the world where such an antiquated, benighted, unreasonable, unkind code prevails, and the distressing conditions in the South do not excuse it.

Punish, if you will, by social ostracism and contempt all uncleanness, all immorality, all coarseness, all depravity, but do not pardon all these and establish only one unpardonable crime—color. That is what we object to in the South.

Mr. GILBERT. Will the gentleman yield to a question?

Mr. GILLETT of Massachusetts. Yes.

Mr. GILBERT. I want to say that in Kentucky most of the school taxes are paid by the white people, and per capita is distributed equally between the white and colored people, and we have a normal school at Frankfort, presided over by well-educated negroes, and the political rights of the colored people are recognized in Kentucky as well as in any State of the Union, but I do not want the gentleman to dodge the issue. I ask him if he has ever invited a colored man to his table or to his parlor?

Mr. GILLETT of Massachusetts. I never did, and I never in my life was so mean as to criticize a man who did. To-day, when we see in foreign countries some rapid lordling, just because he has inherited a title, looking down with conscious and admitted social superiority on men whose culture and abilities he can not even comprehend, we think it is an unreasonable, antiquated, and ridiculous social condition. When we see here at home the airs and importance assumed by some weakling whose inherited wealth "gilds the straightened forehead of the fool," we laugh at and despise it.

Such conditions are un-American. Worth here makes the man; and a social code is far more un-American, and unrepugnant, and undemocratic, and uncivilized, and unchristian which says that no capacity, no refinement, no character, can atone for the slightest taint of negro blood.

Mr. GILBERT. Will the gentleman yield?

Mr. GILLET of Massachusetts. I can not yield any more at this time. I will yield before I am through. And I must say it makes my blood boil when I hear that young girls from the North, as pure, as delicate, as refined, and as attractive as any in this land, go South to teach in negro schools, either from philanthropy or for self-support, and the ladies of the town lift up their skirts and walk by as if they were contaminated by their presence.

You say we do not recognize the colored race in Massachusetts. I was very glad to notice that this last year the senior class in Harvard College, which is certainly as aristocratic an institution as there is in the North—we often think too much so—I was glad to see that the senior class of Harvard College elected as their class orator a negro, a man who in your section of the country would not be considered fit to sit down at the table with. I was glad that my college of Amherst some years ago did the same thing.

Now, let me make it clear. Our feeling is not that a man ought to put away all prejudice. That is impossible. We do not blame you for having prejudices. We appreciate your condition, but we do not believe that any man has a right to ostracize other men for exercising their own tastes; and if a man can rise superior to prejudice and say that some black man is entitled by his qualities to be the social equal of himself, I honor such a man for his magnanimity. The most popular governor Massachusetts ever had touched the heart of our people when he said:

I know not what record of sin awaits me in the other world, but this I do know: I never was so mean as to despise a man because he was poor or because he was ignorant or because he was black.

You would cultivate a worse meanness than that by not only despising the black yourselves, but by punishing everyone who would not agree with you in despising the black. Such a state of society can not be permanent, whether it springs from prejudice, from the bitter sting of suffering, from a political aim at a solid South. It is irreconcilable with democracy; it flies in the teeth of the great sweep of civilization and progress; it belongs with the outgrown orders of nobility and the divine right of kings, and can not stand the test of an age of reason.

Mr. GILBERT. Now, one question.

Mr. GILLET of Massachusetts. Certainly; I will yield now for a question.

Mr. GILBERT. By this homily you have given us about our prejudices, do you mean that that applies only to the colored people, or have you forgotten that you voted for the Chinese-exclusion bill? Is your inability to discriminate between the colors of people confined to differences between white and black, or does it extend to the yellow and brown?

Mr. GILLET of Massachusetts. Oh, I do not think I ought to take my time to answer that.

Mr. GILBERT. Did you vote for the Chinese-exclusion bill?

Mr. GILLET of Massachusetts. Why, it is an entirely different question. It is not because we are prejudiced against the color of the Chinese, but it is because we do not want them here to cheapen our labor. That is an entirely different issue. There is no social question about it.

Mr. Chairman, a communication has come to the House from the Secretary of State, in response to a resolution reported by the Committee on Foreign Affairs requesting information about the shipment of horses, mules, etc., from the State of Louisiana. The document is just printed to-day. It contains a report from the governor of Louisiana which tells us what has been done there, so we can see what was the real basis of the inflamed and intemperate assaults here upon the Administration for violating neutrality.

The Secretary does not give us any legal argument, but I wish to discuss the legal proposition involved, because I think, in spite of the attacks from the other side, that the present Administration has acted in strict conformity to law, in absolute sympathy with all the precedents of every Administration which has ever considered the question, beginning with Jefferson, and, moreover, it is acting in line with the best permanent interests of the United States, which no Administration could depart from without both breaking our past precedents and threatening our future development and commercial expansion.

What is the law of neutrals which gentlemen on the other side invoke?

I notice there was a very long article from a worthy gentleman of Chicago in the papers, arguing with great minuteness and elaboration that horses intended for the supply of the British army were contraband of war. When I was in the law school I remember a professor told us that the best definition of a demurrer that he knew of was, "What of it?" So I enter a demurrer to this argument.

I would say, What of it? What if horses are contraband of war? For myself I am willing to admit that they are, and that that is

the law; but what of it? Can not citizens of the United States sell contraband of war to belligerents?

In the public press and I believe upon the other side of this Chamber it has been argued that we can not. But one must be strangely ignorant of American diplomatic history to maintain such a contention, for there is an unbroken chain of precedents from Washington down against it. In 1793 Mr. Jefferson, then Secretary of State, wrote to the ministers of Great Britain and France, which nations were then at war, as follows:

Our citizens have always been free to make, vend, and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings—the only means, perhaps, of their subsistence—because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace does not require from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation—that of confiscation of such portion of these arms as shall fall into the hands of the belligerent powers on the way to the ports of their enemies. (3 Jefferson's Works, 558.)

Now, if we have the right to sell arms, we certainly have the right to sell horses. Why did Jefferson make that rule? He did it because, with that philosophic, far-seeing statesmanship of his, he divined what was the destiny and the permanent interest of the American nation. At that time Europe had been so repeatedly swept by devastating wars that it seemed as if war was her normal condition.

Our early statesmen recognized the wonderful advantage we should enjoy by our distance from the arena of war and wisely planned that we should avoid entangling alliances; should be friends to all but allies to none and so should be free to trade with all, and from our peaceful accumulations supply their warlike needs. That we should sell them the food they could not raise, the arms they had no time to manufacture, the neutral ships to carry their freights, and to carry even their soldiers. So obviously wise and politic was this plan for the growth and wealth of the United States that all statesmen and parties have followed it and it has become our American doctrine of neutrality, as the following quotations from our state papers will prove:

Alexander Hamilton said:

The purchasing within and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. (1 Am. St. Pap., For. Rel., 140.)

Timothy Pickens, Secretary of State, wrote to the minister of France, 1796:

In both the sections cited (from Vattel) the right of neutrals to trade in articles contraband of war is clearly established; in the first, by selling to the warring powers who come to the neutral country to buy them; in the second, by the neutral subjects or citizens carrying them to the countries of the powers at war, and there selling them. (1 Am. St. Pap., 649.)

President Pierce, in his second annual message, 1854, said:

In pursuance of this policy the laws of the United States do not forbid their citizens to sell either of the belligerent powers articles contraband of war or take munitions of war or soldiers on board their private ships for transportation, and although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the Government.

Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been and still continue to be largely employed by Great Britain and by France in transporting troops, provisions, and munitions of war to the principal seat of military operations, and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international or by our municipal law, and therefore does not compromise our neutral relations with Russia.

Mr. Marcy, Secretary of State, wrote in 1854:

The mere exportation of arms and munitions of war from the United States to the belligerent country has never, however, been considered as an offense against the act of Congress of the 20th of April, 1818. All the belligerents enjoy this right equally, and a privilege which is open to all can not be justly complained of by any one party to a war. (MSS. Notes, Cent. Am.)

And in 1855 Mr. Marcy again wrote to Mr. Buchanan:

It is certainly a novel doctrine of international law that traffic by citizens or subjects of a neutral power with belligerents, though it should be in arms, ammunition, and warlike stores, compromises the neutrality of that power. That the enterprise of individuals, citizens of the United States, may have led them in some instances and to a limited extent to trade with Russia in some of the specified articles is not denied, nor is it necessary that it should be for the purpose of vindicating this Government from the charge of having disregarded the duties of neutrality in the present war.

Private manufacturing establishments have been resorted to for powder, arms, and warlike stores, and immense quantities of provisions have been furnished to supply their armies in the Crimea. In the face of these facts, open and known to all the world, it certainly was not expected that the British Government would have alluded to the very limited traffic which some of our citizens may have had with Russia, as sustaining a solemn charge against this Government for violating neutral obligation toward the allies.

Russia may have shared scantily, but the allies have undoubtedly partaken largely in the benefits derived from the capital, the industry, and the inventive genius of American citizens in the progress of the war; but as this Government has had no connection with those proceedings neither belligerent has any just ground of complaint against it. (MSS. Inst., Gr. Brit.)

Mr. Fish, Secretary of State in 1874, wrote to Mr. Cramer:

Transportation of arms or money from the United States to either of the belligerents in Mexico is not a breach of neutrality, either under international law or the municipal law of the United States. (Mr. Seward, Secretary of State, to Mr. Romero, August 7, 1865. MSS. notes, Mex.)

The exportation of arms and munitions of war of their own manufacture to foreign countries is an important part of the commerce of the United States. In time of war their Government will expect those engaged in the business to beware of all the risks legally incident to it. (MSS. Inst., Denmark.)

Mr. Evarts, Secretary of State in 1879, wrote to Mr. Sherman: "A torpedo launch, in five sections, ready to be set up," though contraband of war, may be exported from the United States without breach of neutrality. Such articles are "a legitimate element of commerce to the citizens of the United States, a neutral power, with either of the belligerents in time of war in the same manner and to the same extent as they would be in time of peace, and afford no ground for the interference of the executive officers of the United States."

Do not these citations abundantly prove that the United States has recognized and upheld and acted upon the doctrine of international law which allows citizens of a neutral State to sell contraband of war to belligerents? But there has once, at least, been a Congressional investigation of this subject where an administration was criticised for an act which certainly tended vastly more to partiality and unfriendliness than anything charged against the present Administration.

In 1868 the United States had on hand an enormous number of Springfield muskets, relics of the civil war, which were becoming obsolete, and it passed a law authorizing their sale. The war between France and Germany broke out before they had all been sold, and several hundred thousands of these muskets were sold to France. Germany objected, naturally, because that was not in the ordinary course of commerce, not the business act of an individual, but the nation, the United States itself, went into the market and furnished one of the belligerents with munitions of war. I think myself that was an unfriendly act. I do not wonder that Germany protested.

Mr. WM. ALDEN SMITH. Will the gentleman allow me to ask him a question?

Mr. GILLET of Massachusetts. Certainly.

Mr. WM. ALDEN SMITH. Is it the contention of the gentleman that the right to sell contraband of war also carries with it the right to establish a naval post in our country?

Mr. GILLET of Massachusetts. No; it does not. I quite agree with my colleague on the committee in the distinction which he makes, and I shall discuss the point he has in mind later. Senator Carpenter was at the head of the Senate committee which investigated that sale to France, and, so far as I can find from the RECORD, the committee was unanimous in its report, which held that our Government committed no breach of neutrality by that sale, and enunciated this striking statement of the law:

Congress having by the act of 1868 directed the Secretary of War to dispose of these arms and stores, and the Government, being engaged in such sales prior to the war between France and Germany, had a right to continue the same during the war, and might, in the city of Washington, have sold and delivered any amount of such stores to Frederick William or Louis Napoleon in person without violating the obligations of neutrality, provided such sales were made in good faith, not for the purpose of influencing the strife, but in execution of the lawful purpose of the Government to sell its surplus arms and stores.

That certainly was an extreme case, far different from that before us to-day; yet this committee of distinguished lawyers, one of whom sits to-day upon the Supreme Court of the United States, gave that as their understanding of the rights of neutrals under international law. If the acts they sustain were valid, it would seem preposterous to question the validity of our sales of horses to Great Britain.

But some of our critics, recognizing apparently that the overwhelming weight of authority and precedent sustains the right of citizens of a neutral state to sell contraband of war to belligerents, claim that under the second rule of the treaty of Washington the present sale of horses is forbidden. That rule is as follows:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

Now, I will admit that when I first read that rule in this connection it seemed to me it did forbid shipping horses from our ports, because it would be an "augmentation of military supplies." When I asked about it, however, of the chairman of the Committee on Foreign Affairs [Mr. HITT], who knows by heart the international law and historical precedents which most of us have to dig out for each case, he directed me at once to the true meaning of that rule, as incontrovertibly established by its connection and its subsequent interpretation by the parties who made it.

To correctly interpret a treaty it is necessary to consider its history and attendant circumstances. And I challenge any man to study the history of that rule and the correspondence between the two Governments who framed it without being convinced that the rule applies only to supplying vessels carrying on war and not to any other sale of military supplies.

The treaty containing that rule was adopted in the settlement of the Alabama claims. It was about naval vessels we were treat-

ing and it was to naval vessels that section was meant to apply, and not at all to ordinary sales of contraband of war. This fact might be doubtful were it not for the subsequent statements of the two Governments, which make it clear and unquestionable.

When either nations or individuals make an agreement, the way to find the true meaning, the proper interpretation, of that agreement is to ascertain what the parties to it intended, and if they both afterwards agree upon what they intended, that prevents all dispute and is final. Both England and the United States, the parties to this agreement, have since agreed upon what they intended, and in such a formal way and at such a time as to be most impressive and binding and conclusive. When the ratification of the treaty was pending in 1871, our minister to London sent to our Secretary of State the following telegram:

LONDON, June 9, 1871.

FISH, Secretary of State, Washington:

It seems probable that to remove serious objection to ratification of treaty here some declaration should be made limiting interpretation of second rule, sixth article, so as not to restrict sales of arms or other military supplies in ordinary course of commerce. Will the President authorize such expression of views and purpose in bringing rules to knowledge of other maritime powers and asking assent to them? De Grey in difficulty, because no understanding on this point expressed.

SCHENCK.

To this our Secretary of State cabled the following answer:

DEPARTMENT OF STATE, Washington, June 10, 1871.

SCHENCK, Minister, London:

The President understands and insists that the second rule of Article VI does not prevent the open sale of arms or other military supplies, in the ordinary course of commerce, as they were sold in this country during the late French-German war, and as they were sold to this Government in England during the rebellion, and as we understand them to have been sold also in England during the late French-German war.

In bringing the rules to the knowledge of other powers, and in asking their assent, this Government will express this view, and will insist that such is the proper interpretation and meaning. It will be well that the two Governments agree upon the same terms of expression in presenting the rules to other powers.

You are authorized to read this dispatch to Lords Granville and De Grey. FISH, Secretary.

On June 12, after this exchange of telegrams, Mr. Schenck wrote to Mr. Fish a letter from which I quote the following extract showing still more clearly the purpose of these negotiations and the interpretation of the rule:

I found that Lord De Grey was very anxious about the opposition to the treaty which had been developed in certain quarters, arising mainly out of the construction or interpretation to be given to the second rule in the sixth article. It was held, he said, by many members in both houses of Parliament, including Sir Roundell Palmer, whose opinion was likely to carry great influence and weight with others, that the language of that rule would restrict or forbid the sale by a neutral, or in the country of a neutral power, of arms and other military supplies in the ordinary course of commerce.

The ministry had notice, he said, that they would be interrogated on this point, particularly in the House of Commons, and that the same objection to ratification on the part of Her Majesty's Government be strongly urged in the House of Lords in the debate on Earl Russell's resolution, which was to come on on the following Monday. He and Sir Stafford Northcote, and perhaps also Mr. Bernard, of the British commissioners, had assured the government that the rule was never intended or understood by the negotiators to have any such meaning, and he was desirous to know if I, as one of the commissioners on the part of the United States, did not fully concur with him in this view. I frankly assured him that I did, and that I was satisfied that no other interpretation would either be claimed or admitted by my government.

On the same day this letter was written the question of ratifying the treaty came up for discussion in the British House of Commons, and Sir Roundell Palmer put to Mr. Gladstone the following question:

I beg to ask the first lord of the treasury whether the second rule in article 6 of the treaty of Washington is understood by Her Majesty's Government as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against another belligerent, and not when military supplies or arms are exported for use of a belligerent power from neutral ports or waters in the ordinary course of commerce; whether any steps have been taken by Her Majesty's Government to ascertain that the rule in question is understood by the Government of the United States in the same limited sense, and, if so, with what result; and whether it is intended, in any communications which may be addressed to foreign governments with a view to the general adoption of this rule, to guard against its being accepted or understood in any larger sense?

To this inquiry Mr. Gladstone at once responded as follows:

With reference to the first part of the honorable and learned gentleman's question, I perceive that it has been framed with great care, and having considered our reply with equal care, while avoiding entering into any of the details of the question, I am in a position to answer this part of the honorable and learned member's question in the affirmative. In answer to the second part of the honorable and learned gentleman's question, I may state that we have had an opportunity of communicating with Lord De Grey, with the right honorable gentleman opposite, and with Mr. Bernard on the subject, who have all of them given us the fullest assurance that the understanding referred to in the first part of the honorable and learned gentleman's question is that of the United States in reference to this matter, and, further, that it has been in our power to communicate with the distinguished gentleman who has arrived in this country as a representative of the United States, who was a member of the joint high commission, General Schenck, who has informed Her Majesty's Government that such was his understanding of the meaning of the rule in question, and, indeed, we have been told by that gentleman that the President of the United States himself understands the rule in that sense, and that the latter would himself be the first not only to admit and allow, but to contend for that construction of the rule in question.

With regard to the third part of the honorable and learned gentleman's

question, I am able to state that Mr. Fish, the United States Secretary of State for Foreign Affairs, who was also one of the commissioners, has expressed an opinion that it would be advantageous if the two Governments were to make a joint declaration which would place the meaning of this rule beyond all chance of misconstruction. I believe that communications have been entered into between some of the British commissioners and some of the United States commissioners and other distinguished authorities in America on the subject, and that they also have come to the conclusion that it is impossible to entertain the slightest doubt but that the meaning to be attached to the terms of the treaty is that which the contracting parties themselves attach to them.

Thus there was a definite and distinct agreement between representatives of the two Governments which made the treaty what this rule meant before the treaty was ratified.

There is still further evidence in the subsequent history of this rule what was meant by it, for in the treaty it was stipulated that the United States and Great Britain should join in bringing before other powers the three rules they had agreed upon as their understanding of the duties of neutrals in case of war, and asking the other powers to agree to the same rules.

When it came to framing the joint note to the other powers, both nations wished to give an explanation of rule 2 so that it should be plain that it did not mean to prohibit commerce in contraband of war, but only for naval vessels; and England drew up and submitted to the United States the following statement of the purpose and meaning of rule 2 as a form to be presented to other governments in asking that they would also bind themselves in the future to obey the rule.

As some question has been raised as to the true import of the second rule, that rule is understood by Her Majesty's Government (and, as the Government of — will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of neutral ports or waters for the renewal or augmentation of military supplies or arms to a belligerent only when those acts are done for the service of a vessel cruising or carrying on war or intended to cruise or carry on war against another belligerent and not when military supplies or arms are exported for the use of a belligerent power from a neutral port or waters in the ordinary course of commerce. And it is in order to prevent any future misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of — and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon the second rule, and under which they invite and desire to accept the accession of the Government of —, as they will that of all other maritime powers.

The United States suggested instead of this form the following:

As some question has been raised as to the true import of the prohibition of the renewal or augmentation of military supplies or arms contained in the second rule, that that part of the said rule is understood by Her Majesty's Government (and as the Government of — will learn from a similar communication that will be addressed to it by the representative of the United States, by the Government of the United States also) as prohibiting the use of the ports or waters of the neutral for the renewal or augmentation of military supplies or arms only when such supplies or arms are for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war against either belligerent and as not prohibiting the open sale of arms or other military supplies in the ordinary course of commerce. And it is in order to prevent any misunderstanding on this point that the undersigned, in communicating the three rules above recited to the Government of —, and in inviting the accession of that Government to them, is ordered distinctly to state the construction which the Government of Her Britannic Majesty and the Government of the United States put upon that part of the second rule, and under which they invite and desire to accept the accession of the Government of —, as they will that of all other maritime powers.

The differences in these two forms are trivial and do not at all affect the issue I am discussing, so they prove conclusively upon that issue what the two governments meant by rule 2. These differences, however, although so trivial, occasioned a long correspondence and some friction, and meanwhile it appeared probable that the rules would not be accepted by the other great powers, so that after long and spasmodic correspondence the submission of the agreement to other powers was dropped.

To summarize, then, the facts in the history of this rule which show its true meaning, it was part of the Alabama treaty, which dealt mainly with the law of vessels and not other contraband of war. Before it was ratified the representatives of both Governments which framed it agreed that it was not intended to apply to ordinary commerce in contraband of war, but only to supplies for vessels of war. This statement was formally made in the House of Commons and disarmed opposition, which the treaty would otherwise have met.

Afterwards, when the two nations prepared, in accordance with the terms of the treaty, a request to other nations to also adopt these three rules as the law of neutrals, they prepared, in order to prevent all misunderstanding, a statement of their interpretation of rule 2, and although they never finally agreed upon the details of that statement or presented it to other powers, the correspondence shows (Senate Docs., vol. 1, third session Forty-fifth Congress) that they agreed that rule 2 did not apply to ordinary commerce in contraband of war, but only to vessels of war.

It seems to me that this is absolutely conclusive to an impartial mind, and that the contention that selling horses to the British Government is a violation of rule 2 is unsound and unfair. Until gentlemen can claim that horses are a part of the equipment of a

vessel of war they can not justly claim that trade in them is forbidden by rule 2 of the treaty of Washington.

There have, however, been some charges made that English military camps are being established in this country, where the horses bought were being collected. I have believed myself that these charges were largely the exaggerated products of an excited imagination, sometimes influenced by political animosity and hopes. One of them was presented formally to this House, and the Secretary of State has sent to us the report of the governor of Louisiana upon the so-called camp in that State.

It discloses, what I think could have been anticipated; that the term "military camp" was a misnomer. If, under the law, the English have a right to buy horses and export them to South Africa, still more have they the right to buy them and keep them here. The sheriff of St. Bernard, to whom the governor of Louisiana intrusted the investigation, reported as follows:

ST. BERNARD, LA., February 23, 1902.

His Excellency W. W. HEARD,

Governor of the State of Louisiana, Baton Rouge, La.

DEAR SIR: Your letter of the 21st received and contents noted. I beg to state that the extract from the letter of Mr. Samuel Pearson, reproduced in your letter, does not contain a correct statement of the facts existing in the parish of St. Bernard, except as to the following points:

Horses and horses have been and are now being loaded at Port Chalmette, in the parish of St. Bernard, and, as I am informed, for the British Government, either directly or indirectly, but the loading of said animals as well as the preparing of the ships for the reception of same is done by local men, all of whom, I believe, are citizens of the United States. In fact, I have been informed that at present the loading of said animals is being done by the longshoremen of the city of New Orleans. The work, I understand, is supervised by Englishmen, who may or may not be officers in the British army. Certainly there is no one there in uniform.

There is no such thing as a British post, with men and soldiers, established at Port Chalmette. So far as the recruiting of men is concerned, I am sure and can certify that it is not being done in the parish of St. Bernard. * * *

E. E. NUNEZ,

Sheriff of the Parish of St. Bernard.

That report disposes pretty effectually of the Louisiana case. I think investigation will probably show that other complaints have as little foundation, because I do not believe the English Government will be so foolish as to commit a violation of our neutrality laws when, without any breach of them, they can secure what they need.

Undoubtedly to a large portion of the American people the state of the law which allows the British to supply themselves with horses is most unpopular. Undoubtedly very many, observing that in this instance the law works entirely to the advantage of one side and can not be availed of at all by the other, think the law itself unreasonable and unjust, and do not wish it observed. And undoubtedly some take advantage of the popular feeling and try to direct it into political channels for political advantage.

But if this administration has acted in strict conformity with international law, has held the scales of justice even, without yielding to partiality or to feeling or to political pressure, but has carried out faithfully and impartially the well-settled law of the duty of neutral states, it will ultimately receive the commendation and approval of the American people. That, I believe, it has done. And it could not have followed any different course without not only violating its duty of neutrality but also abandoning and overthrowing that great principle which Jefferson enunciated and which so many of our greatest statesmen have elaborated since as one of the cardinal doctrines of American policy, that we will always sell freely and impartially to every belligerent all that she needs, even contraband of war.

Mr. PATTERSON of Tennessee. Mr. Chairman, I had not intended to take any part in this discussion and should not do so now except for what I conceive to be the rather remarkable argument made by the gentleman from Massachusetts [Mr. GILLET] who has just taken his seat.

From my standpoint, Mr. Chairman, as a Democrat and as a Southerner, I think it is extremely unfortunate that debates of this character should ever be precipitated upon this House, because I think that under no circumstances can they do any section, or any part of our country, or any people of our country any good. And when I hear the arguments made by the gentleman from Massachusetts, coming from that great State of scholars and of literature, that has done so much to enrich the history of our common country, saying that he can see no difference between a man who has colored blood in his veins and a man with white, I blush for the honor and for the past of that great State.

Why, Mr. Chairman, the distinction is not as the gentleman says. It is not one of prejudice against the colored man as a colored man; it is an instinct of civilization; it is the voice of nature; it is the voice of God calling out for the perpetuity of the white race and for the preservation of Anglo-Saxon institutions. [Applause on the Democratic side.]

I believe it was the great Cardinal of France who said, "Thou canst never know what thou hast never tried," and so I say to

these gentlemen of the North that they can never know the conditions in the South until they come there and see for themselves.

I remember that in the great city in which I live, where there are a great many negroes, who are protected under the law in all the rights of citizenship—I remember that a very excellent gentleman from Iowa came there to make his home. He came there as a Republican; and yet he has written one of the best papers that ever appeared in any magazine in this country, saying, in effect, that party commits a crime against civilization and against the country that puts the elective franchise in the hands of the ignorant negro of the South. I say, Mr. Chairman, that the question is not one of personal prejudice, but one of race and race instincts.

Now, so far as I am concerned, in the great Commonwealth which I in part represent, when I was prosecuting attorney, for thirty-eight days I stood in court and prosecuted white men for lynching negroes; and three out of the number were men of Northern birth; and the leader of the gang in that outrageous murder and assassination was born in the great State of New York.

Mr. BLACKBURN. Is it not a fact that every negro State in the South is a Democratic State, and every negro county a Democratic county?

Mr. PATTERSON of Tennessee. Yes, my friend, thank God what you say is true. And you can pass your "force bills" and threaten us with Crumpacker resolutions, but until the end of time the South will be dominated by white men. [Applause on the Democratic side.] And if you lived in the South you would join hands with us. [Renewed applause on the Democratic side.]

A MEMBER. He is a North Carolinian.

Mr. PATTERSON of Tennessee. Oh, well, he is a North Carolina Republican. Then I give him up completely—for him there is no salvation.

Sir, take the South as she is. I want to see negro children educated. We have schools all over the State of Tennessee for their education. Such schools exist all over the South. White men tax themselves to educate the colored people. And I will tell you to-day that the best friend and the truest friend that the negro has is not you of the North, who do not understand him, but the white man of the South, and the negro himself is beginning to realize that fact.

Now, as a Southern man, I regard it as a mistake that President Roosevelt ate dinner with Booker Washington. But if it was a matter of taste with the President, it was all right so far as I am concerned. I was not disposed to indulge in any harsh criticism of him on that account and suppose he now realizes that he made a mistake. I was disposed, and am now, to attribute it to impulse and not a design to wound the feelings of the Southern people. So far as I am concerned, I do not intend to do it. So far as the gentleman [Mr. GILLET of Massachusetts] is concerned, he informs us that he has not and does not intend to do it. And so far as the vast number of the Republicans are concerned, they do not intend to do it; and whenever they get up here in this House and prate and parade about the negro, and especially the negro in the South, the negro in the South himself understands that it is not for his protection or for his benefit.

What is the use, my friends, of stirring up race antagonism? The Southern white man and the negro are getting on well. I know many negroes whom I believe to be honest, whom I believe to be intelligent, whom I believe to be moral men, and many of them are my friends, and I am glad to number them among my friends; but when you say that that negro shall control white men or hold office, then I say to you that you are simply turning back the wheels of time and that you are reversing the policy by which this Government has been brought up to its present standard of civilization. Now, there is one thing, my friends, I want to correct you about, and I was surprised that a gentleman of the scholarship and attainments and historical research of the gentleman from Massachusetts should have been guilty of making such a mistake.

I supposed that the gentleman understood history better than to make a remark of that kind. He says that he has a physical repugnance to the negro and that he can not understand how it is that so many mulattoes are born in the South when white men talk as I do. I want to call his attention to the fact that most of the mulattoes in the South are from 37 to 40 years old and at the time they were conceived there were about a million Northern soldiers in the South and all the Confederates were away from their homes. [Laughter.]

Mr. GILLET of Massachusetts. Is that the best light the gentleman has on that subject?

Mr. PATTERSON of Tennessee. I will state that I am answering the speech of the gentleman in kind.

Mr. HULL. I think if you will go back to the history of your country you will find they were there long before the soldiers invaded the South.

Mr. PATTERSON of Tennessee. Oh, I do not think so. They were very rarely seen before the war. Now, there is no use of getting angry about this thing at all, gentlemen. What I have stated to you is an historical fact, and the gentleman from Massachusetts, coming from that great State, ought to have known it, and what I simply say is to express my surprise that he was ignorant of that fact. I think I have said all that I care to say. I want it distinctly understood that I have no war to make with any white man who wants to take dinner with a negro. If it suits the white man, it does not hurt the negro.

A MEMBER. But you feel sorry for the negro.

Mr. PATTERSON of Tennessee. No; I can not say that. I think that is a matter of taste, but what I do say is that what you call this prejudice is not a prejudice against the negro personally, but it is a racial instinct, which you ought to recognize, and which I am satisfied that many gentlemen on that side of the Chamber do recognize.

Mr. COCHRAN. And which they feel much more acutely than you do.

Mr. PATTERSON of Tennessee. Yes; and to-day, in spite of it all, in spite of the enfranchising of the colored race, in spite of the Republican party putting the ballot into their hands and their exercise of the ballot, not one State in that whole South has a negro official, and I am proud of that fact, and you ought to be proud of it, as you belong to the same race and have the same common country.

Mr. CLAYTON. And the same is true of the Northern States. They have none.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KAHN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

- S. 2455. An act granting a pension to Genevieve Almira Sprigg Ludlow;
- S. 4850. An act to increase the pensions of soldiers and sailors who have lost limbs in the service;
- S. 2951. An act granting an increase of pension to Maria J. Wilson;
- S. 3505. An act granting an increase of pension to Matthew B. Noel;
- S. 1299. An act granting a pension to Ambrus U. Harrison;
- S. 1300. An act granting a pension to Judson N. Pollard;
- S. 2709. An act for the relief of John F. Finney;
- S. 3779. An act for the relief of Thomas J. McGinnis;
- S. 5153. An act granting an increase of pension to Eri W. Pinkham;
- S. 1478. An act for the erection of a public building at Marblehead, Mass.;
- S. 2699. An act to provide for the temporary detention of persons dangerously insane in the District of Columbia;
- S. 4577. An act for the relief of William McCarty Little;
- S. 4647. An act to amend section 4929 of the Revised Statutes, relating to design patents;
- S. 2638. An act granting a pension to David O. Carpenter;
- S. 2935. An act granting a pension to Joanna Rommel;
- S. 3781. An act granting a pension to George A. Mercer;
- S. 2551. An act granting a pension to Amelia Engel;
- S. 5059. An act granting a pension to May D. Liscum;
- S. 2048. An act granting an increase of pension to Louis G. Latour;
- S. 1038. An act granting an increase of pension to Gustavus C. Pratt;
- S. 4853. An act granting an increase of pension to Amos Moulton;
- S. 4655. An act granting an increase of pension to Oliver K. Wyman;
- S. 4730. An act granting an increase of pension to George W. Youngs;
- S. 4729. An act granting an increase of pension to Daniel A. Hall;
- S. 3032. An act granting a pension to Samuel J., Christopher, and Jeane Vickers;
- S. 1903. An act granting an increase of pension to Hamline B. Williams;
- S. 2229. An act for the relief of J. M. Bloom;
- S. 2755. An act granting a pension to Ruth H. Ferguson;
- S. 4941. An act granting an increase of pension to William Nichol;
- S. 4650. An act granting an increase of pension to Delania Ferguson;
- S. 3063. An act granting an increase of pension to H. J. Edge;
- S. 3298. An act granting an increase of pension to William A. Kimball;

- S. 3532. An act granting a pension to John A. Reilly;
 S. 4043. An act granting an increase of pension to Catharine A. Carroll;
 S. 3991. An act granting a pension to Waity West;
 S. 2511. An act granting a pension to William Phillips;
 S. 4455. An act granting an increase of pension to Hallowell Goddard;
 S. 3208. An act to authorize the Commissioners of the District of Columbia to refund certain license taxes;
 S. 3553. An act for the relief of William Dugdale;
 S. 4725. An act for the opening of R street NE. to Twenty-eighth street and of Twenty-eighth street NE. from R street to M street;
 S. 4663. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across the Red River, in the State of Louisiana, at or near Shreveport;
 S. 4992. An act to provide an American register for the bark Homeward Bound;
 S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents;"
 S. 4777. An act to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.;
 S. 4776. An act to authorize the construction of a bridge across the Emory River in the State of Tennessee by the Tennessee Central Railway or its successors;
 S. 4973. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army;
 S. 653. An act for the erection of a public building at Meriden, Conn.;
 S. 177. An act for the erection of a public building at Providence, R. I.;
 S. 2204. An act to provide for the erection of a public building at Findlay, Ohio;
 S. 1812. An act to authorize the registration of the names of persons, firms, or corporations engaged in transportation business;
 S. 2826. An act for the establishment of a fish-cultural station in the State of Florida; and
 S. 4231. An act authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189.
 The message also announced that the Senate had passed with amendments bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:
 H. R. 9625. An act granting a pension to Elizabeth L. Beckett;
 H. R. 9494. An act granting an increase of pension to Mary A. Andress;
 H. R. 3379. An act to correct the military record of Calvin A. Rice;
 H. R. 7994. An act granting an increase of pension to Margaret M. Grant;
 H. R. 5560. An act granting an increase of pension to Annie L. Evens;
 H. J. Res. 61. Joint resolution granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic;
 H. R. 12093. An act to authorize the construction of a bridge across the Neuse River at or near Kinston, N. C.;
 H. R. 11096. An act to confer jurisdiction on the Court of Claims to render judgments for the principal and interest in actions to recover duties collected by the military authorities of the United States upon articles imported into Porto Rico from the several States between April 11, 1899, and May 1, 1900; and
 H. R. 2062. An act to authorize the Western Bridge Company to construct and maintain a bridge across the Ohio River.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JAMES HENDERSON KYLE, late a Senator from the State of South Dakota.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary transmit to the family of the deceased a copy of these resolutions with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect at the conclusion of these exercises the Senate do adjourn.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HULL. I yield ten minutes to the gentleman from North Carolina [Mr. BLACKBURN].

Mr. BLACKBURN. Mr. Chairman, I did not intend to say

anything on this subject. I had no inclination to do so. I wish to state, however, to the distinguished gentleman from Tennessee [Mr. PATTERSON] that if he will take the pains to look in the Congressional Directory he will find that I am a native of the South, that I hail from the State of North Carolina, one of the States which seceded in the late unpleasantness.

I have been in public life since 1890, and I have heard every phase of the negro question from that time until now. I have heard it discussed pro and con. There is none of it which is not as familiar to me as A B C. And as a Southern man, as a man whose interests are in the South, an individual whose ancestors on both sides belonged to the Confederacy, as a member of a family who, upon my mother's side, gave seven lives to the Confederacy and whose father gave four years of his service to the Confederacy, I want to say there ought to be some time in the range of human conception where this question could stop. [Applause on the Republican side.]

I am talking not as a politician. I say this as a citizen. The great South, spread out before us with its vast area and its vast possibilities, has been held in the background for thirty years, simply to gratify the whim and the feeling of a few Democratic politicians. [Applause on the Republican side.] We are told that Rip Van Winkle slept for twenty years. The South has slept for a longer period, and if the advice of these distinguished gentlemen who are now presenting this question and precipitating it upon this floor is to be followed, we will be in absolute darkness fifty years from now unless they are overthrown.

I want to say that I hail from a section of the South where the negro question can not enter. I come from a section of the South where there are no colored votes. I come from the section of the South where you can not stuff ballot boxes and come here with 5,000 majority back of you with no opposition. I come from that section of the South where every man walks up and puts in a ballot and stays there as a free man under our constitution under his oath, and sees that that ballot is counted, just as he cast it. And if you will look at the record you will see that my district in the last election gave approximately as many votes as the whole State of South Carolina where you have negro domination to the queen's taste. [Applause on the Republican side.]

You come up here now and you say that the South must be protected from the negro. I want to submit this, Mr. Chairman: In my own State, where we took charge in 1894, there was not a solitary county that has ever been dominated by the negro; not one. Nobody fears negro domination in North Carolina, yet the last campaign in my State was a travesty upon justice. There was no semblance of an election in more than half of North Carolina. An organized band of red shirts rode my State from one section to the other, regardless of law and order, and fired their guns into the houses of private individuals who at no time had disturbed anybody for the mere purpose of carrying the State against the will of the people, against the rights of the citizens, in order to put a few men into Congress, to make a governor of North Carolina, and to send a man here to the United States Senate who might act in that capacity regardless of the will of the people.

I know whereof I speak, and I say, as a Southern man, this question ought to have a limit. In the last campaign in my State we were promised that if we disfranchised the negro we should never hear any more of the negro question. It was said, "We are going to let the white men divide up upon economic lines." There is not a Democrat who sits on that side—and I have as many friends in my State where I am known as any Republican—there is not a Democrat who sits there to-day who does not know that the policy of the Republican party has been the salvation of the South, and there is not a man there who does not know that while the Republican party has reached out and given us all the aid we have we have had a solid Democratic delegation coming here year after year protesting against it and doing all they could to obstruct legislation. [Applause on the Republican side.] The Republican party has tendered us bread when we have asked for a stone. The Republican party has given us fish when we pleaded for a serpent, and everybody on that side knows it. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, a few moments ago I made the statement, and I now repeat it, that Governor Wolcott, during the Nashville centennial, came there with his staff. The gentleman from Ohio [Mr. GROSVENOR] said that Governor Wolcott was not the governor of Massachusetts at that time.

Mr. GROSVENOR. My friend is mistaken. I did not say that.

Mr. GAINES of Tennessee. What did the gentleman say?

Mr. GROSVENOR. I asked the question whether it was not Governor Greenhalge who was the governor at the time of that celebration. Governor Greenhalge went to Chattanooga with his staff at the time of the dedication of Chattanooga Park, and I had confounded the two occasions.

Mr. GAINES of Tennessee. I state, Mr. Chairman, that it was Governor Wolcott. Now, I have the Tribune Almanac, and I guess the Tribune Almanac is Republican enough to quote from. At least Republicans can believe it. It states that Governor Wolcott was elected governor of Massachusetts in 1896. He came to Nashville, and I, with a lot of other gentlemen, had the honor of entertaining him. He brought his staff along with him, and a number of members of his staff stated to me that there was a negro who was one of their number, under the law and by election, from the State of Massachusetts, and that they left him behind; that they had passed a law making every man on the governor's staff, including the governor himself, I believe, pay his own way to get rid of the negro, and they did it in that way.

And they were condemning him most liberally, as usual with the Republicans when they express their honest convictions. They did not want to have anything to do with him or to associate with him, really. They do not meet with them in the restaurants—

Mr. GILLET of Massachusetts. Will the gentleman yield to me for a question?

Mr. GAINES of Tennessee. Certainly.

Mr. GILLET of Massachusetts. Was not he left behind because they did not want to offend the sensibilities of your region?

Mr. GAINES of Tennessee. I was just giving you the conversation of the distinguished gentleman or gentlemen who were on the staff of the governor—all of whom we liked and enjoyed immensely—stated to me. The negro did come, I was informed, but preceded the governor and his staff. The negro stayed at some place. I do not know where. [Laughter.] Now, that is the way Massachusetts loves them. But the gentlemen who alluded to the negro condemned him as an individual, and were sore at having to meet him at home even officially.

Now, Mr. Chairman, I am going to speak of a distinguished gentleman who lives in Iowa. I was astonished when I read this. It is from the Omaha Herald of December 1, 1901. Coming direct from that great section, I was struck by a very significant statement that is now pertinent, one which I never would have suspected. But it occurred with a citizen coming from the State of Iowa. Here is what I found. I find this: That before this occurrence the gentleman states that he had met Mr. Lincoln and had a talk with him and that when he was sent for to come to Washington he feared the worst had overtaken him. I will read from the Herald:

In 1862, while in command of the district of Corinth, Miss., I received a dispatch from General Grant to proceed to Washington and report to the President. No explanation coming with the dispatch, I was a little alarmed, for there had come to me at Corinth a great many negroes, and I had placed them in what was known as a contraband camp and had placed over them certain soldiers as guards. This caused me a good deal of annoyance and trouble. The white soldiers did not like the duty and took every opportunity to annoy the negroes, even in some cases going as far as to shoot them.

The superintendent of the camp was Chaplain Alexander, of an Ohio regiment, a very able and excellent man, and he suggested one day to me that he believed that negroes would be better to guard the contraband camp than white soldiers. I authorized him to raise one or two companies, and I armed them, solely for the purpose of guarding these negroes. I had no authority to do this, and I did not at the time appreciate the importance that was to be given to it. There were many protests against this, and in the command there was considerable opposition to it; and I thought that my call to Washington was possibly to be called to account for this act.

Those are the words of Gen. Granville M. Dodge in December, 1901, over his own signature. His soldiers, he says, shot the negroes. Here is an old incident of 1862, showing the racial hatred of the white man of the negro. After this cruel act the negro was enfranchised, when the South was tied hand and foot by infamous laws enacted by carpetbag rulers, presenting conditions which the whites in the South could not and would not then or now tolerate and to which the people of Massachusetts would not then or now submit. My observations since I have been in Congress are that the white people East and West can not and will not tolerate, but severely criticize the negro, and yet the so-called negro lovers East and West, and especially East, in the press and Congress, now and then make the warmest professions of love for the negro. The negro knows the Southern people are his real friends and they remain South.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I would like to have a few minutes more.

The CHAIRMAN. The committee will rise informally.

The committee accordingly rose; and the Speaker resumed the chair.

The SPEAKER. The Chair dislikes to disturb the committee, but the gentleman from Missouri has a bill of great importance, and the Chair lays before the House a report from the Committee on Enrolled Bills.

ORDER OF BUSINESS.

Mr. WILLIAM W. KITCHIN. Before the committee resumes its session, I request unanimous consent that the time be extended for the discussion of the pending bill one hour.

Mr. HULL. I object.

Mr. WILLIAM W. KITCHIN. One half to be in charge of the gentleman from Iowa and the other half the gentleman from Virginia [Mr. HAY].

The SPEAKER. Objection is made.

BANKRUPTCY BILL.

Mr. CLAYTON. Mr. Speaker, I would like to make a request of the House. I ask unanimous consent to submit the minority views on House bill 13697. The majority have filed their report.

Mr. PAYNE. I make the point of order that the committee has only risen informally, and that it is not in order.

Mr. CLAYTON. I make that request. I have the consent of the gentleman from Wisconsin [Mr. JENKINS].

Mr. CANNON. What is the bill?

Mr. CLAYTON. It is the views of the minority on the general bankruptcy bill; and I ask that we have until Friday for the purpose of filing them.

The SPEAKER. Without objection the gentleman from Alabama will have permission to file the views of the minority.

There was no objection.

The SPEAKER. The committee will resume its session.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. HAY. I yield fifteen minutes to the gentleman from Missouri.

Mr. COCHRAN. Mr. Chairman, the gentleman from Massachusetts devoted considerable time to discussing the treaty of Washington and its applicability to the maintenance of a British military supply depot in the State of Missouri and a British supply depot and port on American soil on the Gulf of Mexico.

I sought the privilege of interrogating him, but it was not allowed. I desired to ask him whether, in his opinion, had the treaty of Washington never been entered into, it would not have been in contravention of the laws of nations if during a war a neutral power should permit the maintenance within its borders of a military supply depot in charge of the military officers of one of the belligerents, and the maintenance on its seacoast of a port, also in charge of officers of the army of one of the belligerents, and the purchase and shipment directly to the theater of war of cargo after cargo of things contraband under international law, bought by these military officials and concentrated by these officials at these military camps? I contend that the treaty of Washington is an added reason for challenging the attitude of the Administration upon this question.

It is true the citizens of a neutral State may sell in its markets to all comers things contraband of war. The contraband articles may be seized in transit on the high seas, and there is no redress for those who may sustain loss on that account, and this has been cited over and over again, as if it were the only remedy.

This does not touch the question under consideration. Were the United States at war with Great Britain, would we permit the maintenance of a depot of supplies just over the line in Mexico and the collection there of war supplies, and their constant shipment to the theater of war?

Would we regard the Government of Mexico as neutral if this were permitted? Certainly not—especially if the supply camp should be in charge of the officers of Great Britain. Great Britain maintains in this country two such supply camps. Her army officers are in charge of them. They publicly advertise for war materials and for men to enter the employment of the British war office and convey the supplies from their camps to the theater of war. Are we to understand that the Republican Administration regards this as no violation of the law of nations?

Mr. LACEY. Will the gentleman allow me a question?

Mr. COCHRAN. With the greatest pleasure.

Mr. LACEY. We are seeking light on this question, and perhaps the gentleman can give us the actual facts in relation to the situation of affairs in his own State.

Mr. COCHRAN. I believe that within 50 miles of my own town there is a British supply camp, where British soldiers are buying war material and sending it to South Africa; and I here solemnly declare that it is the bounden duty of the American Government to put a stop to the disgraceful proceedings. Whether it be in my own State or outside of it, whether my people or others are profiting by it, it is a crime against the cause of liberty. [Applause.] And the gentleman from Iowa deep down in his heart believes the same thing.

We all know that one way of giving effect to its sympathies for one or the other of the belligerents is for a country professing neutrality to stretch the law of nations a long way to help the side with which it sympathizes. Generally this is done by winking at the illicit traffic. The government thus offending necessarily takes refuge in pretended ignorance, and when called to account takes a long period in which to ascertain the facts. This is the course that is being pursued by our Government right now.

American Cabinet officials and the American President are simulating ignorance of things known to every schoolboy and every schoolgirl in the land. Meanwhile this Government is permitting the maintenance of the chief commissary depot of the British army on American soil. This, Mr. Chairman, is the plain, unvarnished history of this infamous proceeding. [Applause.]

The gentleman from Iowa would score a point by mentioning the fact that one of these British posts is in Missouri. Let me assure him that, in the opinion of Missourians, the United States have a higher mission in the world than is to be accomplished by taking advantage of the tragedy in South Africa for the purpose of unloading our surplus mules and horses on the British Government.

Mr. LESSLER. Will the gentleman permit me a question?

Mr. COCHRAN. Certainly.

Mr. LESSLER. Did not the gentleman from Missouri know it before it was brought to the attention of the Administration that your people were selling a million dollars' worth of horses and mules to the British Government; and if so, why did not you point it out?

Mr. COCHRAN. Is that all of your question?

Mr. LESSLER. Yes.

Mr. COCHRAN. I will be delighted to answer it. I took occasion weeks ago to call attention to the New Orleans depot. I did not know there was a British military camp in my own State until about thirty days ago. As an evidence that the people of Missouri are not disposed to violate international law and help destroy the Boers, even though it may be profitable, I direct attention to the fact that within 50 miles of Lathrop, at public meetings, the people have protested against it.

Mr. LESSLER. Does not the gentleman know that last summer in Kansas City everybody was selling mules and horses to these agents, and that there was no protest against it, that they all took their money and were glad to get it?

Mr. COCHRAN. Let me enlighten my young friend just a little. Our Government is not asked to prevent the sale of mules and horses in the open market. I do not contend that it is unlawful for our people to sell horses to agents of the British Government. But when the British Government establishes camps and advertises in the ordinary way in the newspapers for horses and mules to be sent to the theater of war, and concentrates enormous quantities of war supplies on our soil in charge of army officers of Great Britain, who come into our territory uniformed to inspect and prepare these supplies for the field, and employ men publicly to carry these supplies to the army in the field, the law of neutrality is grossly violated.

Mr. LESSLER. Is there any evidence of that?

Mr. COCHRAN. Any evidence of it? If you take one weekly newspaper from your own district and read it you must know that I have not overstated the case.

Mr. GILLETT of Massachusetts. Does the gentleman contend that as a matter of law it is a breach of international law for American citizens to sell contraband of war to the British Government?

Mr. COCHRAN. Let me say to the gentleman that I do not propose to be diverted from the main question. I contend that to allow the British Government to set up depots of supplies, to send uniformed British officers 20 or 30 in number to one place and uniformed British officers 40 or 50 in number to another place, and thus maintain military-supply posts in this country—posts as plainly military as any that can be found on the blood-stained fields of South Africa—is a violation of international law. Now, I will ask the gentleman from Massachusetts if he does not agree with me?

Mr. GILLETT of Massachusetts. If the gentleman will give any evidence of such a state of facts, it will put a new phase upon this case.

Mr. COCHRAN. Oh, what a wonderful thing is that ignorance, under the disguise of which an Anglo-American Secretary of State, is making us accessory to the murder of the South Africans. [Applause.] Read the first newspaper that comes into your hands and it will tell you—

Mr. GILLETT of Massachusetts. I have not seen any such.

Mr. COCHRAN. I have one right here in my hands, and I will ask leave to print from its columns what I contend is a faithful rescript of the law of this question, quoted from text-books and treaties in force between this country and others. In every line of this column of newspaper print the attitude of the gentleman from Massachusetts is denounced as untenable. In the brief time at my disposal it is impossible for me to read any portion of it. I ask unanimous consent to incorporate it as a part of my reply to the contention of the gentleman from Massachusetts in regard to the law of this case.

The CHAIRMAN (Mr. JENKINS). The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. COCHRAN. During the Spanish-American war we had

an exhibition of what can be done by the strict, unyielding, and persistent enforcement of the neutrality laws. That suited the policy of the Administration at that time. Now we are having an exhibition of what can be done in the direction of making us an ally of one of the parties to a great war, by refraining, utterly, from the enforcement of those laws—shielding ourselves, of course, behind pretended ignorance of the fact.

The gentleman from Massachusetts inquires whether I have any evidence that the facts I have stated exist. I now ask him if he has any evidence to offer in refutation of column after column that has been printed in Associated Press dispatches? Has he anything to offer in refutation of the statement made by the Governor of the State of Louisiana in an elaborate report filed with the State Department?

Mr. GILLETT of Massachusetts. The only refutation I have is what is stated by the sheriff of Louisiana. I will read it.

Mr. COCHRAN. Do you read that as a legal authority?

Mr. GILLETT of Massachusetts. This is on the question of fact.

Mr. COCHRAN. I thought it might be more "law."

Mr. GILLETT of Massachusetts. Will you allow me to read? Mules and horses have been, and are now being, loaded at Port Chalmette, in the parish of St. Bernard—

Mr. COCHRAN. I can not yield to have all that read. The gentleman can print it.

Mr. GILLETT of Massachusetts. I should not think you would want it read.

Mr. COCHRAN. The gentleman refused to yield to me for a question which would not have consumed a minute.

Mr. GILLETT of Massachusetts. Oh, I yielded often.

Mr. COCHRAN. What a speech that was, to be sure. The gentleman from Massachusetts began by lamenting the fate of the unfortunate African in the South, who, alas and alack, is debarred from taking charge of politics and government. Then he defended the policy which makes us allies in a war of conquest that is being waged against two Republics in South Africa.

Mr. GILLETT of Massachusetts rose.

Mr. COCHRAN. I can not yield any more. The gentleman would destroy republican government in five or six States of this Union by giving their governments into the hands of men but little removed from barbarism, and he would continue to allow the British military camps in Missouri and Louisiana to go on shipping mules and horses to South Africa.

The unalterable determination of the Southern white men to prevent the domination of an inferior race in their country is right. It has the approval of the voters of every election district of the United States. Present to any county in Massachusetts, to any village in New England, the question forever present in the domestic economy of the South and the people would decide it precisely as have the people of the South. They would retain control of public affairs, and, no matter what might be the opinions of political managers, more interested in votes than in the negro or his fate, their countrymen everywhere would indorse their action.

The Republican politicians of the North would give the negro the vote and nothing else. Why do not his Northern friends give him employment? They have an innate prejudice that prevents it. Go through this city and ascertain in whose families negro servants are employed. Make inquiries, and you will hear the Yankee from the Northeastern States expressing astonishment that Southern men employ negro servants. Their friends from New England invariably would not give them house room. How many negro carpenters and blacksmiths have you in the North? Why do you refuse to open up the avenues of industry to the negro?

How many colored miners have you? What avenues of employment have the Northern Republicans opened up for the negro? The truth is that Sambo is hedged about in the North by a race prejudice so domineering and universal that he is remanded to servile employments or to the work of day laborer.

Meantime his party brethren, having given him the ballot, sing psalms about human equality and consider his destiny assured. [Applause and laughter.] I say to you, let the negro have a chance to work out his own salvation. Having committed the crime of his enfranchisement long before he was prepared for it, the least you can do is to allow the South to deal with the problem, and they will solve it, vexatious and difficult though it is. It can not be dealt with properly through the medium of Crumpacker resolutions. By the way, this Crumpacker resolution has had a wonderful career. [Laughter.]

A little while ago we were told that it would soon be brought forward; then it was said that in order to fix up the quarrel over the sugar tariff the Committee on Rules had agreed to give it a day; but it was not given a day. In the final shuffle in the controversy over the sugar tariff it was kicked around this Chamber like a football, and at last it is viewed with contempt by the men who pretended to sustain it. Gentlemen, you dare not go to the country upon this issue. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.
Mr. COCHRAN. By permission of the House I append the document referred to in my remarks:

Peter Van Vlissingen, who has been one of the most active friends of the Boers in Chicago, to-day [April 18] sent to President Roosevelt the following open letter:

To His Excellency THEODORE ROOSEVELT,
President of the United States.

SIR: In view of the investigation now being made to determine whether the British Government is maintaining a military camp in the vicinity of New Orleans, I desire to submit to you an argument to show that even though Governor Heard's charges should not be deemed sufficient, the Federal Government is still bound to interfere in the matter of the traffic in horses and mules from the ports of the United States for the use of the British army in the war against the South African Republics.

The premises upon which I base this argument are totally different from those assumed by Governor Heard in that I maintain that, regardless of whether the British Government is maintaining a military camp at Port Chalmette, the shipment of horses and mules from our ports is still an open violation of the treaty of Washington, by the provisions of which this Government is pledged to maintain strict neutrality as to the use of its ports, and should for that reason, if for no other, be stopped.

THREE RULES IN TREATY.

The treaty of Washington was concluded between Great Britain and the United States May 8, 1871. Article 6 of that treaty lays down three rules by which arbitrators are to be governed. The first rule relates to the equipment of war vessels intended for use against belligerents. The second rule declares:

"A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of renewal or augmentation of military supplies or arms or the recruitment of men."

The third rule reads:

"A neutral government is bound to exercise diligence in its ports or waters and as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties."

The opinion has been advanced that the parties to this treaty intended to lay down no new doctrine, but that these important rules, framed and adopted with so much circumstance, were in fact regarded by the contracting parties as a mere restatement of principles of international law already existing; and it is argued that as neutral ports had been used in the past for trafficking in military supplies, so might they be freely used in future. Such certainly were not the views entertained by Great Britain.

CONCLUSION OF ARTICLE 6.

Article 6 of the treaty, after laying down the above rules, concludes as follows:

"Her Britannic Majesty has commanded her high commissioners and plenipotentiaries to declare that Her Majesty's Government can not assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in article 1 arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of these claims, the arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules. And the high contracting parties agree to observe these rules as between themselves in future and to bring them to the knowledge of other maritime powers and to invite them to accede to them."

Here is an express declaration, by Great Britain herself, that the obligations set forth in these rules are new and were no part of the body of international law existing when the grievances were committed, but those rules are declared to be binding in the future upon the two contracting parties, who expressly pledge themselves "to bring them to the knowledge of other maritime powers and to invite them to accede to them." In the light of this article who will venture to argue that the rules of arbitration adopted in the treaty of Washington were a mere declaration of existing principles? Great Britain expressly stipulates that she can not admit any such contention; that the rules are to be considered binding only in the future, and that other powers are to be invited to accede to these rules. Other powers would not be asked to adopt rules by which they were already governed. Is there any doubt, therefore, that the treaty of Washington was intended to end and did introduce as between the contracting parties duties and obligations not already recognized as a part of the law of nations?

ENFORCED IN SPANISH WAR.

Great Britain made no scruple of asserting the terms of the treaty of Washington against this country upon the first and only occasion when our Government was at war with a foreign State. April 26, 1898, the day after war was declared between the United States and Spain, Queen Victoria issued a proclamation of neutrality, insisting in the following language upon the observance of the treaty:

"Whereas, we are resolved to insure by every lawful means in our power the due observance by our subjects, toward both the aforesaid powers, of the rules embodied in article 6, of the treaty of May 8, 1871, between us and the United States of America, which said rules are as follows:

"A neutral government is bound * * * secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men."

"Thirdly, to exercise due diligence in its own ports and waters and as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties."

In this proclamation Great Britain insists that her ports and waters shall not be used to abet the military activity of belligerent powers, and we now request the enforcement of this rule.

The object of the second rule of article 6 is to prohibit the use of neutral ports as a base of naval or military war against belligerents and to make it plain that the collection of military supplies is one of the uses of the port thus forbidden by the treaty. It can not be denied that horses and mules destined to be used in military operations are within the meaning of the term "military supplies" as employed in the treaty of Washington. All writers on international law agree that they are contraband of war and subject to confiscation as such. If they are contraband it can only be because they are military supplies, and both Great Britain and the United States have unequivocally put themselves on record as accepting that definition. In the treaty of December 1, 1774, between Great Britain and Holland it is expressly declared that "horses and other warlike instruments are contraband of war," and again in article 24 of the treaty of 1778 between the United States and France it is laid down that "horses, with their furniture, are contraband of war."

HORSES CONTRABAND OF WAR.

By the classification prepared by the State Department during the incumbency of Secretary John Hay and published by Secretary Long June 20, 1893, in his "Instructions to blockading vessels and cruisers" (General Orders, No. 492, paragraph 19), horses are designated as "absolutely contraband" of war. (See also House Docs., vol. 36, Fifty-fifth Congress, third session, p. 60.)

If additional argument were needed to prove that horses have been considered contraband of war by the United States Government, the following instances in which they have been so classed might be made:

"In the treaty between the United States and Bolivia (Treaties and Conventions, 1889, p. 90, article 17), horses with their furniture are comprehended as contraband of war."

In the following other treaties a similar specification is made:

"Treaty between United States and Brazil (Treaties and Conventions, 1889, p. 107, article 16).

"Treaty between United States and Colombia (Treaties and Conventions, 1889, p. 186, article 17).

"Treaty between United States and Haiti (Treaties and Conventions, 1889, p. 551, article 20).

"Treaty between United States and Peru (Treaties and Conventions, 1889, p. 1191, article 18).

"Treaty between United States and Sweden and Norway (Treaties and Conventions, 1889, p. 1042, article 9)."

A belligerent may purchase iron or steel in open market, but if it presumes to assemble those materials in a neutral port for the construction or equipment of a man-of-war the terms of the treaty are violated. An emissary of the British Government may in like manner buy a horse from a ranchman on the Western prairies, but when horses and mules purchased in different parts of the country are gathered at a seaport for shipment to the field of war the belligerent power is preparing to use a port of this country "for the purpose of renewal or augmentation of military supplies." If the Executive intends to compel Great Britain to abide by the treaty which she has insisted upon our observing, it can only be done by detaining those military supplies upon our own coasts.

SAD PLIGHT FOR GOVERNMENT.

The plight of the United States Government would indeed be inglorious if, while pledged by the treaty of Washington to keep its ports neutral and guiltless of warlike activity, it were yet incapable of preventing British officers from collecting military supplies in those ports and shipping them thence to the scene of war. Such could never have been the intent of the contracting parties.

Great Britain has declared that the treaty of Washington established new rules and standards of international obligations. She has insisted upon the observance of those rules as against this country in the Spanish war. She is openly using our ports in direct contravention of those rules for the purpose of augmenting her military supplies and exterminating a brave people whose heroic struggles have awakened the deepest sympathy in the heart of every true American.

If any question be made respecting the rights of the Transvaal Republic as a sovereign belligerent power, certainly no doubt can be cast upon the complete autonomy of the Orange Free State. Can Great Britain justly regard this Government as guilty of an unfriendly act if it shall insist upon her abiding by the terms of a treaty which she has been so earnest in upholding?

I bespeak for these views your earnest consideration and early attention.

I am, sir, very respectfully, yours,

PETER VAN VLISINGEN.

CHICAGO, April 18, 1902.

Mr. HULL. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, the gentleman from Missouri [Mr. COCHRAN] has taken up much time talking about there being garrisons in Missouri. A week or two ago it was a garrison in Louisiana they were complaining of and that was investigated at the request of the gentleman on the other side of the Chamber, and here is what the sheriff of the parish of St. Bernard, who made an investigation, writes to the governor:

ST. BERNARD, LA., February 28, 1902.

To His Excellency W. W. HEARD,

Governor of the State of Louisiana, Baton Rouge, La.

DEAR SIR: Your letter of the 21st received and contents noted. I beg to state that the extract from the letter of Mr. Samuel Pearson, reproduced in your letter, does not contain a correct statement of the facts existing in the parish of St. Bernard, except as to the following points:

Mules and horses have been and are now being loaded at Port Chalmette, in the parish of St. Bernard, and, as I am informed, for the British Government, either directly or indirectly, but the loading of said animals, as well as the preparing of the ships for the reception of same, is done by local men, all of whom, I believe, are citizens of the United States. In fact, I have been informed that at present the loading of said animals is being done by longshoremen of the city of New Orleans. The work, I understand, is supervised by Englishmen who may or may not be officers of the British army. Certainly there is no one there in uniform.

There is no such thing as a British post with men and soldiers established at Port Chalmette.

Those are the kind of facts we get when we hold an investigation, and it is very easy for gentlemen to get up on the floor of the House and make vague assertions.

Mr. COCHRAN. Does not the gentleman from Massachusetts consider the opinions of the sheriff as to where these men go and what for very edifying, but not very instructive?

Mr. GILLETT of Massachusetts. The governor of Louisiana intrusted it to him to investigate.

Mr. COCHRAN. I am speaking now of the sheriff.

Mr. GILLETT of Massachusetts. The governor of the State intrusted the sheriff with the duty of making this investigation. This is the official investigation.

Mr. COCHRAN. You would rather take what the sheriff said than what the governor said?

Mr. GILLETT of Massachusetts. The governor does not say anything about the facts except in these reports. I can not read the whole of it. The governor does not contradict this in the slightest degree. He takes this as the official report, and it is inserted as a part of his report.

Mr. COCHRAN. Is the gentleman aware that pretty nearly 300,000 horses have been shipped from that port to the theater of war in South Africa?

Mr. GILLET of Massachusetts. I presume there have been a large number of them, and the more the United States can sell the belligerents in any war, the more I am pleased. That is part of the opportunity of the United States. That is a part of our long-established policy, to sell to all belligerents munitions of war.

Mr. COCHRAN. The fact that the backbone of the English army, the cavalry service, has been kept up by the United States is very pleasing to the gentleman, is it?

Mr. GILLET of Massachusetts. I do not say that.

Mr. COCHRAN. You did say it.

Mr. GILLET of Massachusetts. I say what we have to do is to observe the laws of the nations. If United States citizens in observing the laws of neutrality can make a profit, I am pleased, and I do not believe we ought to depart from the long-established doctrines of neutrality just because our sympathies are with one side or the other. The Administration ought to observe the laws and follow out the policy established by Jefferson and followed by every Secretary of State.

Mr. COCHRAN. You think that the policy of the country in the matter should be bargains, worship God, and catch fish.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask for the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, \$300.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move to strike out the last word.

I would not intrude myself upon this debate except for some of the statements that my colleague from North Carolina [Mr. BLACKBURN] has seen fit to make in his remarks this afternoon. If I understood the gentleman correctly, he stated to this House that no counties in North Carolina had been under negro rule. Mr. Chairman, I do not intend to discuss the political effect of the Crumpacker resolution, or any political measure pending in this House. When they come up I hope to be heard upon them. But as to the statement that no county in North Carolina was under negro rule; as I stated in this House two years ago, there have been many counties in North Carolina under negro rule. There were many counties where the negro vote predominated. There were counties that had 30 negro justices of the peace. There were counties that had a great majority of the officers who were negroes.

I will give a few facts in regard to it, because I make no statement that is not strictly correct upon this question. When you gentlemen from other sections of the country appear astonished that the great white race stood shoulder to shoulder in the campaign that shook our State from center to circumference four years ago, your astonishment is because you do not and did not understand the facts there. White men believe and feel the same the world over about some things. I care not whether it is in Indiana or in Illinois or Pennsylvania or Massachusetts, a white man feels his superiority over every other creature of God's handiwork.

Mr. BLACKBURN. May I interrupt the gentleman?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. BLACKBURN. I want to ask the gentleman if in the campaign of 1900 the Republican party from the white counties did not go down to Raleigh, in the central part of North Carolina, with 3,500 majority against the amendment, and if the Democracy did not come up from the negro belt with 60,000 in favor of it?

Mr. WILLIAM W. KITCHIN. I will come to that. Eliminate every county that had a negro majority and our amendment was adopted in 1900 by nearly 40,000 majority. The gentleman's statement was that we had no county in North Carolina under negro rule. I deny that statement, and the gentleman knows that in New Hanover County in 1898 they had 40 justices of the peace. Was that white rule? That county had 86 negro officials. Were they elected by white people? In the counties where the negroes constitute an overwhelming majority of the population the entire control was under the negro vote. In Bertie County they had 16 negro justices of the peace. In Edgecombe County they had 31, in Craven County they had 27, in Vance County 15, in Granville 17, in Caswell 7—about 300 negro justices of the peace in North Carolina. Was that white domination? No man can say it. Craven County, in which Newbern is situated, in 1898 had 65 negro officials, among them the negro register of deeds, 3 negro deputy sheriffs, a negro coroner, a negro county commissioner, and many magistrates and school officials. And in that very campaign the Republican party in its regular convention nominated there:

A negro, I. H. Smith, for the legislature; a negro, C. C. Roach,

for county treasurer; a negro, John Willis, for register of deeds; a negro, Dr. Lassiter, for coroner; a negro, Robert Moseley, for county commissioner; a negro, Judge Stanley, for constable of Newbern Township.

Gentlemen, that is the kind of domination that we had in certain parts of North Carolina. The county of New Hanover, in which is Wilmington, where my distinguished colleague [Mr. BELLAMY] resides, was cursed even with a worse situation of affairs than that.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WILLIAM W. KITCHIN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAM W. KITCHIN. If I had the time, I would read some of Mr. BELLAMY's testimony in his contested-election case. But I will state that New Hanover County had a majority of the justices of the peace who were negroes; a member of the board of county commissioners, the register of deeds, a majority of the policemen, and several city aldermen in the great city of Wilmington were negroes; and in that town robbery after robbery was committed almost in nightly succession, and the good women of that town were afraid to walk the streets in the daytime unescorted by gentlemen. Were these the results of white rule? Such were the facts which made the white men of North Carolina act precisely as any other men would have acted under similar circumstances in the 1898 campaign. But I deny that armed men with red shirts traveled from one section to another of that State, as the gentleman from North Carolina charges they did in the last campaign, for the purpose of influencing the election of a Senator or Congressman. I admit that in the 1898 campaign in 8 counties out of 96 there were organized Red Shirts, but I deny that there were any such organizations anywhere in the last campaign.

Mr. BLACKBURN. Is it not a fact that within the last three weeks or a month, after the negro question had been settled by the constitutional amendment according to the principles of your party, that in the county of Pasquotank a white man by the name of Willcox had been tried on the charge of murdering Nellie Cropsey, and that there were negro witnesses and two negroes on the grand jury in his trial?

Mr. WILLIAM W. KITCHIN. Mr. Chairman, what in the world has that to do with the statements that the gentleman made, and which I tell you are not correct? I did not say that there were not negro witnesses in North Carolina, and I did not say that negroes did not serve on juries. I say that they are accorded their rights under the law the same as white men are accorded their rights. We are trying to do justice to them and to the white men. Only yesterday Dr. Sheppard, a negro from North Carolina, made a speech in the city of Washington here in which he advised the negroes to remain in the South, because the Southern white people understand them. I deny the statement that armed bands of white men with red shirts went in the last campaign from one place to another to terrify the people. It is not true.

Mr. LESSLER. Do you know that the lately revered and sainted Richard Croker, of Tammany, organized colored Democratic clubs—

Mr. WILLIAM W. KITCHIN. I know that colored Democratic clubs have been organized.

Mr. LESSLER (continuing). And as a reward for services—

Mr. WILLIAM W. KITCHIN. I do not deny that the colored men have the right to vote the Democratic ticket, and I think that were they more intelligent and patriotic they would oftener vote the Democratic ticket. [Laughter on the Democratic side.]

Mr. LESSLER. Do you know that as a reward for services rendered he got an assistant—

Mr. WILLIAM W. KITCHIN. I do not know.

Mr. LESSLER. I am trying to tell you.

Mr. WILLIAM W. KITCHIN. You can make a speech in your own time and charge upon Mr. Croker what you see fit. My charge is that these bloody-bones stories related to the people of the country by the gentleman from North Carolina are baseless and exist only in the imagination of Republican politicians. I live in a section of North Carolina where white men predominate and where many white men are Republicans. We have many negroes, not a majority by any means, but a large number of negro voters. Wherever you find that the negroes predominate at the ballot or where they have a large proportion of voters there you find white men standing shoulder to shoulder. Men of intelligence, responsibility, and conscience in that great State unite in one solid effort to preserve their homes and their civilization against the evils and wrongs of negro domination.

If you go to the mountain counties, from one of which my colleague [Mr. BLACKBURN] comes, where there are few negroes, you will find, as in the North, the white men divide and line up on the great national questions and sometimes, as in my colleague's district, as it was in the last campaign, a district goes Republican. But down in the eastern part of the State, where the great cotton plantations are, in some counties the negroes outnumber the whites. There you find the negroes voting solidly together, and right there you find the white men almost solidly voting together, regardless of the issues of imperialism, trusts, money, protection, or anything else. No, Mr. Chairman, I can state that North Carolina has been misrepresented throughout the length and breadth of this country. All we ask, Mr. Chairman, is, if you have any friend down there in the manufacturing business write to him for the facts and he will tell you that he votes with the whites on local and State questions.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, \$500.

Mr. WILLIAM W. KITCHIN. I move to strike out the last word. I will not detain the House, except to reply somewhat to the remarks of the gentleman from Massachusetts [Mr. GILLET].

Mr. HULL. I am going to raise the point of order if you are going to discuss anything but the bill. I waited for the gentleman for ten minutes, so he could answer a question; and it seems to me to enter upon a field of this character that the gentlemen from North Carolina could fight it out on some other bill. I must preserve the time to try to get through with this bill.

Mr. WILLIAM W. KITCHIN. I will ask the gentleman to withhold the point of order on this particular motion. I just want to reply to some remarks made by the gentleman from Massachusetts, and I will leave the purely local question out.

Mr. HULL. I understand that, but there will be other bills that you can have opportunities on, and I have yielded the same amount of time to the other gentleman and yourself, and I hope the gentleman will not continue.

Mr. WILLIAM W. KITCHIN. I am not going to refer to the other gentleman from North Carolina.

Mr. HULL. But the gentleman is going to speak about matters which are foreign to the bill.

Mr. WILLIAM W. KITCHIN. I do not want to make any point of order upon the gentleman's bill.

Mr. HULL. I understand; but the gentleman desires to make a speech on another subject.

Mr. WILLIAM W. KITCHIN. I ask you to yield me five minutes, and then I will have nothing more to say.

Mr. HULL. I yield the gentleman five minutes.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in all kindness I desire to say to my friend that I did not bring up this race question and regret that it was brought up. I thought that the race question was going to be settled. The States of the South have adopted their various amendments, and I thought our section was to be left to settle those matters for itself. But so long as you gentlemen undertake to keep that question in national politics and hold it over us, and undertake to say that you will drive us and force the issue upon us, or anything like that, just so long the white men are going to unite; and just so long you will have that question in our politics. So I beg you to keep out this question.

Now, let me say a word about the social equality. When you gentlemen, like the gentleman from Massachusetts, state that we should not criticize the position of one who declares for social equality, though I may respect you, I can not indorse your position—I can not forbear to criticize you. I can not say stealing is wrong, and yet think it is right if you do it. I can not take the position that anarchy is wrong in another man, but if you are an anarchist it is all right. I can not take that position. If I regard a thing as wrong I am bound to regard him wrong who practices it. I believe social equality is wrong, and believing that, I believe the white man that encourages it or sets the example, it matters not where he is, is committing a wrong; and the higher his station the worse it is. I believe that the great principle that lies at the bottom of this social question is miscegenation or amalgamation of the races, or rather the preservation of the races. I believe if you want to keep them separate and apart, you must do like the laws of the Southern States say—you must not allow their intermarriage. If you allow intermarriage, and if they follow it, it means amalgamation; and when you amalgamate, though it may elevate the black man, it brings down the white man.

If you want to preserve to mankind the civilization of the world and to maintain the most progressive race on the face of the earth, you want to preserve the white race uncontaminated.

Now, if you believe in social equality, if you have social equality in your homes, at your table, in your parlors, it follows that there will be intermarriage, and when you have inter-

marriage it means amalgamation, and amalgamation means degradation of the most progressive, the most aggressive, and the most intellectual race on the face of the earth.

I care not how much Republican members of Congress may believe theoretically in social equality, how much they may defend social equality for political purposes, I do not believe there is one of them who—and if he lives in the city he has the opportunity—would invite to his home at a social function a half dozen of the most refined and educated colored women of his city.

I say he would not do it. Why? Would it be because he has not the lawful right? No; but when you propose to put the colored woman at the same table as the white woman and let them intermingle in the same parlor, that spirit of social repugnance heretofore mentioned this afternoon rises up and repels it. Why does it do it? Because down in the heart and judgment and conscience of every white man, it matters not what his political theories may be, that one little thought exists that the white man is superior to every other. Amalgamation is to be deplored, and the slightest approach to it will be resented by the white race to which the gentleman from Massachusetts and myself belong.

If you want to keep the greatest of the human races intact, pure, and progressive and aggressive, you must keep it as the Almighty himself made it, and not degrade it by contamination, if I may use the word, with the blood and brains of the inferior race. [Prolonged applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, \$4,000.

Mr. FEELY. Mr. Chairman, I move to strike out the last word. In the defense this afternoon, or the attempted defense, of the Administration, in regard to the violation of the neutrality law—

Mr. HULL. Mr. Chairman, I rise to a point of order. The Administration is not on trial in this bill.

The CHAIRMAN. The point of order is well taken, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to. Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JENKINS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13676) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1903, and for other purposes, and had come to no resolution thereon.

CLARA H. FULFORD.

The SPEAKER laid before the House the following change of reference; which was made by unanimous consent: The bill (S. 916) for the relief of Clara H. Fulford, from the Committee on Ways and Means to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROUSSARD, for three days, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was given Mr. RYAN to print remarks on the Chinese-exclusion bill.

AGRICULTURAL APPROPRIATION BILL.

Mr. PAYNE. Mr. Speaker, the gentleman from New York [Mr. WADSWORTH], chairman of the Committee on Agriculture, requested me to present for him the report from that committee on the bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903.

The SPEAKER. The gentleman from New York, by request of the chairman of the Committee on Agriculture, presents the agricultural appropriation bill, which bill be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERWOOD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Alabama reserves all points of order.

STATUE OF ROCHAMBEAU.

Mr. PAYNE. Mr. Speaker, I present the following report from the Committee on Ways and Means.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, reports the following joint resolution, which the Clerk will read by title.

The Clerk read as follows:

House joint resolution 180, authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

The joint resolution was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

STOREKEEPERS AND GAUGERS.

Mr. PAYNE, from the same committee, also reported the bill (H. R. 12097) amending the internal-revenue laws in regard to storekeepers and gaugers; which was ordered printed, and referred to the Committee of the Whole House on the state of the Union.

STATUE OF ROCHAMBEAU.

Mr. PAYNE. Mr. Speaker, I would like to have the House consider, as in Committee of the Whole House, joint resolution 180, just reported. It will take but a few minutes, and I think no one will object.

Mr. UNDERWOOD. Reserving the objection, I would like to hear the bill read.

The Clerk read the joint resolution, as follows:

Joint resolution authorizing the entry free of duty of a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same.

Whereas by act of Congress approved March 3, 1901, the Joint Committee on the Library was authorized to purchase a replica of the bronze statue of Rochambeau, by Ferdinand Hamar, and pedestal for the same; and

Whereas a contract has been entered into between said committee and Jules Boufvy, chancellor and attaché of the French embassy to the United States, dated April 30, 1901, for the purchase thereof, for the sum of \$7,500, delivered in Washington, D. C., but which contract provides that said Jules Boufvy shall not be required to pay any customs duty for the admission of said statue and pedestal at any port of the United States: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to instruct the collector of customs at the port of importation to admit to entry free of customs duties the said statue and pedestal mentioned and described in said contract.

Mr. UNDERWOOD. I see no reason, Mr. Speaker, why I should object to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table, and referred to their appropriate committees as indicated below:

S. 2455. An act granting a pension to Genevieve Almira Sprigg Ludlow—to the Committee on Pensions.

S. 4850. An act to increase the pensions of soldiers and sailors who have lost limbs in the service—to the Committee on Invalid Pensions.

S. 2951. An act granting an increase of pension to Maria J. Wilson—to the Committee on Invalid Pensions.

S. 3505. An act granting an increase of pension to Matthew B. Noel—to the Committee on Invalid Pensions.

S. 1299. An act granting a pension to Ambrus U. Harrison—to the Committee on Invalid Pensions.

S. 1300. An act granting a pension to Judson N. Pollard—to the Committee on Invalid Pensions.

S. 2709. An act for the relief of John F. Finney—to the Committee on Claims.

S. 3779. An act for the relief of Thomas J. McGinnis—to the Committee on Claims.

S. 5153. An act granting an increase of pension to Eri W. Pinkham—to the Committee on Invalid Pensions.

S. 1478. An act for the erection of a public building at Marblehead, Mass.—to the Committee on Public Buildings and Grounds.

S. 2699. An act to provide for the temporary detention of persons dangerously insane in the District of Columbia—to the Committee on the District of Columbia.

S. 4577. An act for the relief of William McCarty Little—to the Committee on Naval Affairs.

S. 4647. An act to amend section 4929 of the Revised Statutes, relating to design patents—to the Committee on Patents.

S. 2638. An act granting a pension to David O. Carpenter—to the Committee on Invalid Pensions.

S. 2935. An act granting a pension to Joanna Rommel—to the Committee on Invalid Pensions.

S. 2551. An act granting a pension to Amelia Engel—to the Committee on Invalid Pensions.

S. 4983. An act granting an increase of pension to John W. Smoot—to the Committee on Invalid Pensions.

S. 2347. An act granting an increase of pension to Alfred M. Wheeler—to the Committee on Invalid Pensions.

S. 4293. An act granting an increase of pension to Elizabeth C. Vincent—to the Committee on Invalid Pensions.

S. 4979. An act granting an increase of pension to Paul Fuchs—to the Committee on Invalid Pensions.

S. 4871. An act granting an increase of pension to Helen M. Worthen—to the Committee on Invalid Pensions.

S. 3397. An act granting an increase of pension to Eliza A. Walker—to the Committee on Invalid Pensions.

S. 500. An act granting a pension to Samuel S. Beaver—to the Committee on Invalid Pensions.

S. 3321. An act granting an increase of pension to Patrick J. Murphy—to the Committee on Pensions.

S. 4393. An act granting an increase of pension to William M. Hodge—to the Committee on Invalid Pensions.

S. 3279. An act granting a pension to John Coolen—to the Committee on Pensions.

S. 2461. An act granting an increase of pension to George W. McDowell—to the Committee on Invalid Pensions.

S. 4238. An act granting an increase of pension to Philo F. Englesby—to the Committee on Invalid Pensions.

S. 4962. An act to ratify and confirm an agreement with the Red Lake and Pembina bands of Indians of the Red Lake Reservation, Minn., and making appropriation to carry the same into effect—to the Committee on Indian Affairs.

S. 2081. An act granting an increase of pension to Horatio W. Whitbeck—to the Committee on Invalid Pensions.

S. 5065. An act granting a pension to Jemima McClure—to the Committee on Invalid Pensions.

S. 4619. An act granting an increase of pension to Clifford Neff Fyffe—to the Committee on Invalid Pensions.

S. 4900. An act granting an increase of pension to Ann Comins—to the Committee on Invalid Pensions.

S. 3999. An act granting an increase of pension to Emma S. Hannah—to the Committee on Invalid Pensions.

S. 4758. An act granting an increase of pension to Mary L. Doane—to the Committee on Invalid Pensions.

S. 1593. An act granting an increase of pension to Ellen C. Winslow—to the Committee on Invalid Pensions.

S. 4783. An act granting an increase of pension to Mary Breckons—to the Committee on Invalid Pensions.

S. 4494. An act granting an increase of pension to Oscar Van Tassel—to the Committee on Invalid Pensions.

S. 1638. An act granting a pension to John R. Homer Scott—to the Committee on Invalid Pensions.

S. 2346. An act granting a pension to Amanda C. Bayliss—to the Committee on Invalid Pensions.

S. 4865. An act granting an increase of pension to Joseph D. Hazzard—to the Committee on Invalid Pensions.

S. 3998. An act granting an increase of pension to Emma L. Kimble—to the Committee on Invalid Pensions.

S. 2050. An act granting an increase of pension to Edward N. Goff—to the Committee on Invalid Pensions.

S. 4004. An act granting an increase of pension to Thomas L. Nelson—to the Committee on Invalid Pensions.

S. 148. An act to establish a fish-hatching and fish station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

S. 5105. An act fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes—to the Committee on the Judiciary.

S. 280. An act to provide for enlarging the public building at Kalamazoo, Mich.—to the Committee on Public Buildings and Grounds.

S. 3401. An act for the relief of H. Glafcke—to the Committee on Claims.

S. 4762. An act to prevent any consular officer of the United States from accepting any appointment from any foreign State as administrator, guardian, or to any other office of trust without first executing a bond, with security, to be approved by the Secretary of State—to the Committee on Foreign Affairs.

S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River, in the State of Florida—to the Committee on Interstate and Foreign Commerce.

S. 5269. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln, late President of the United States—to the Committee on the Library.

S. 5059. An act granting a pension to May D. Liscum—to the Committee on Pensions.

S. 2048. An act granting an increase of pension to Louis G. Latour—to the Committee on Invalid Pensions.

S. 1038. An act granting an increase of pension to Gustavus C. Pratt—to the Committee on Invalid Pensions.

S. 4853. An act granting an increase of pension to Amos Moulton—to the Committee on Invalid Pensions.

S. 4665. An act granting an increase of pension to Oliver K. Wyman—to the Committee on Invalid Pensions.

S. 4730. An act granting an increase of pension to George W. Youngs—to the Committee on Invalid Pensions.

S. 4729. An act granting an increase of pension to Daniel A. Hall—to the Committee on Invalid Pensions.

S. 3032. An act granting a pension to Samuel J. Christopher and Jane Vickers—to the Committee on Invalid Pensions.

S. 1903. An act granting an increase of pension to Hamline B. Williams—to the Committee on Invalid Pensions.

S. 2755. An act granting a pension to Ruth H. Ferguson—to the Committee on Invalid Pensions.

S. 4941. An act granting an increase of pension to William Nichol—to the Committee on Invalid Pensions.

S. 4650. An act granting an increase of pension to Delania Ferguson—to the Committee on Pensions.

S. 3063. An act granting an increase of pension to H. J. Edge—to the Committee on Invalid Pensions.

S. 3298. An act granting an increase of pension to William A. Kimball—to the Committee on Invalid Pensions.

S. 3552. An act granting a pension to John A. Reilley—to the Committee on Invalid Pensions.

S. 4043. An act granting an increase of pension to Catharine A. Carroll—to the Committee on Invalid Pensions.

S. 3991. An act granting a pension to Waity West—to the Committee on Pensions.

S. 2511. An act granting a pension to William Phillips—to the Committee on Invalid Pensions.

S. 4455. An act granting an increase of pension to Hallowell Goddard—to the Committee on Invalid Pensions.

S. 3208. An act to authorize the Commissioners of the District of Columbia to refund certain license taxes—to the Committee on the District of Columbia.

S. 3555. An act for the relief of William Dugdale—to the Committee on Claims.

S. 4725. An act for the opening of R street NE. to Twenty-eighth street, and of Twenty-eighth street NE. from R street to M street—to the Committee on the District of Columbia.

S. 4663. An act to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across the Red River, in the State of Louisiana, at or near Shreveport—to the Committee on Interstate and Foreign Commerce.

S. 4992. An act to provide an American register for the bark *Homeward Bound*—to the Committee on the Merchant Marine and Fisheries.

S. R. 8. Joint resolution construing the act approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor," and providing for pensions to widows, minor children, and dependent parents—to the Committee on Invalid Pensions.

S. 4777. An act to authorize the Nashville Terminal Company to construct a bridge across the Cumberland River in Davidson County, Tenn.—to the Committee on Interstate and Foreign Commerce.

S. 4776. An act to authorize the construction of a bridge across the Emory River in the State of Tennessee by the Tennessee Central Railway or its successors—to the Committee on Interstate and Foreign Commerce.

S. 4973. An act to place Lieut. Col. and Bvt. Maj. Gen. Alexander Stewart Webb on the retired list of the United States Army—to the Committee on Military Affairs.

S. 653. An act for the erection of a public building at Meriden, Conn.—to the Committee on Public Buildings and Grounds.

S. 177. An act for the erection of a public building at Providence, R. I.—to the Committee on Public Buildings and Grounds.

S. 2204. An act to provide for the erection of a public building at Findlay, Ohio—to the Committee on Public Buildings and Grounds.

S. 1812. An act to authorize the registration of the names of persons, firms, or corporations engaged in transportation business—to the Committee on Patents.

S. 2826. An act for the establishment of a fish-cultural station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

S. 4221. An act authorizing the Commissioners of the District of Columbia to extinguish a portion of an alley in square 189—to the Committee on the District of Columbia.

S. 2229. An act for the relief of J. M. Bloom—to the Committee on Claims.

S. 3781. An act granting an increase of pension to George A. Mercer—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7369. An act granting an increase of pension to Perry H. Alexander;

H. R. 2994. An act granting an increase of pension to Eliza J. Noble;

H. R. 1326. An act granting an increase of pension to Thomas Thatcher;

H. R. 2600. An act granting an increase of pension to Richmond L. Booker;

H. R. 5910. An act granting an increase of pension to Reuben Wellman;

H. R. 10090. An act granting a pension to James F. P. Johnston;

H. R. 12101. An act granting a pension to William E. Gray;

H. R. 8782. An act granting an increase of pension to Myron C. Burnside;

H. R. 10091. An act granting a pension to Blanche Duffy;

H. R. 1636. An act granting an increase of pension to James Austin;

H. R. 6805. An act granting an increase of pension to Robert E. Stephens;

H. R. 1455. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 11314. An act granting an increase of pension to Mary E. Pettit;

H. R. 2241. An act granting an increase of pension to Dorothy S. White;

H. R. 10841. An act granting an increase of pension to Margaret Hoefer;

H. R. 1486. An act granting an increase of pension to Charles A. Perkins;

H. R. 2981. An act granting an increase of pension to Thomas Findley;

H. R. 5258. An act granting an increase of pension to William Eastin;

H. R. 9986. An act granting an increase of pension to James Moore;

H. R. 11782. An act granting an increase of pension to Allen Hockenbury;

H. R. 6699. An act granting a pension to Esther A. C. Hardee;

H. R. 12697. An act granting a pension to M. C. Rogers;

H. R. 12136. An act granting an increase of pension to Stephen May;

H. R. 6081. An act granting an increase of pension to Frances T. Anderson;

H. R. 611. An act granting an increase of pension to Theodore F. Collins;

H. R. 13627. An act making appropriations to supply additional urgency deficiencies for the fiscal year ending June 30, 1902, and for other purposes;

H. R. 2919. An act granting a pension to Christina Steiger;

H. R. 10230. An act granting an increase of pension to Harrison C. Vore;

H. R. 9999. An act granting an increase of pension to George W. Guinn;

H. R. 6080. An act granting an increase of pension to Mariah J. Anderson;

H. R. 9415. An act granting an increase of pension to James Matthews;

H. R. 5695. An act granting an increase of pension to John M. Seydel;

H. R. 9847. An act granting an increase of pension to Zachariah R. Saunders;

H. R. 5102. An act granting a pension to Margaret Baker, formerly Maggie Ralston;

H. R. 3264. An act granting an increase of pension to William B. Matney;

H. R. 9018. An act granting a pension to Ida D. Greene;

H. R. 11924. An act granting an increase of pension to Lewis H. Delony;

H. R. 6895. An act granting an increase of pension to Richard P. Nichuals;

H. R. 2113. An act granting an increase of pension to Mary J. Clark;

H. R. 8553. An act granting a pension to Joseph Tusinski; and

H. R. 11578. An act granting an increase of pension to John Gaston.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4798. An act to authorize the Quincy Railroad Company, its successors and assigns, to rebuild the drawspan of its bridge across the Mississippi River at Quincy, Ill.;

S. 4072. An act granting an increase of pension to Samuel J. Lambden;

S. 2082. An act granting an increase of pension to Louis Ward; and

S. 1512. An act granting an increase of pension to Mary Jane Faulkner.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned until tomorrow at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending the purchase of a strip of land for roadway to Schooner Ledge (Pennsylvania) rear range light station—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, reported the same without amendment, accompanied by a report (No. 1698); which said bill and report were referred to the House Calendar.

Mr. LONG, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3746) to amend section 2593 of the Revised Statutes relating to ports of entry, reported the same without amendment, accompanied by a report (No. 1699); which said bill and report were referred to the House Calendar.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2479) to facilitate the procurement of statistics of trade between the United States and its noncontiguous territory, reported the same without amendment, accompanied by a report (No. 1700); which said bill and report were referred to the House Calendar.

Mr. SOUTHARD, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 123) to adopt the weights and measures of the metric system as the standard weights and measures of the United States, reported the same with amendments, accompanied by a report (No. 1701); which said bill and report were referred to the House Calendar.

Mr. McCALL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 13204) to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, reported the same with amendments, accompanied by a report (No. 1702); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13416) granting an increase of pension to Isabella H. Thompson, reported the same with amendment, accompanied by a report (No. 1670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13691) granting an increase of pension to James M. Conrad, reported the same without amendment, accompanied by a report (No. 1671); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5475) granting an increase of pension to August Schill, alias Silville, reported the same with amendments, accompanied by a report (No. 1672); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13249) granting an increase of pension to Ada Trowbridge, reported the same with amendment, accompanied by a report (No. 1673); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12780) granting an increase of pension to William H. Wheeler, reported the same with amendment, accompanied by a report (No. 1674); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4535) granting an increase of pension to Lydia M. Granger, reported the same without amendment, accompanied by a report (No. 1675); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7687) granting an increase of pension to Charles C. Washburn, reported the same with amendments, accompanied by a report (No. 1676); which said bill and report were referred to Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13439) granting an increase of pension to William Blanchard, reported the same without amendment, accompanied by a report (No. 1677); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 13614) granting an increase of pension to William H. White, reported the same without amendment, accompanied by a report (No. 1678); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8856) granting an increase of pension to Leon King, reported the same with amendment, accompanied by a report (No. 1679); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3252) granting an increase of pension to Jesse W. Bice, reported the same without amendment, accompanied by a report (No. 1680); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13479) granting a pension to Ira P. Smith, reported the same without amendment, accompanied by a report (No. 1681); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 832) granting an increase of pension to William Clark, reported the same with amendments, accompanied by a report (No. 1682); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3672) granting a pension to James Scannell, reported the same without amendment, accompanied by a report (No. 1683); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13143) granting an increase of pension to Susan Parker, reported the same with amendments, accompanied by a report (No. 1684); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12109) granting an increase of pension to Frederick Benefeldt, reported the same with amendments, accompanied by a report (No. 1685); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4969) granting an increase of pension to Abbie George, reported the same without amendment, accompanied by a report (No. 1686); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8476) granting an increase of pension to Moses S. Curtis, reported the same with amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1681) granting a pension to Erna G. Harvey, reported the same with amendments, accompanied by a report (No. 1688); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 234) granting an increase of pension to James Frey, reported the same without amendment, accompanied by a report (No. 1689); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12685) granting a pension to H. J. Springfield, reported the same with amendments, accompanied by a report (No. 1690); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6625) granting an increase of pension to Mrs. R. L. Downing, reported the same with amendments, accompanied by a report (No. 1691); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2738) granting an increase of pension to James W. Hankins, reported the same without amendment, accompanied by a report (No. 1692); which said bill and report were referred to the Private Calendar.

Mr. KLEBERG, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9695) granting an increase of pension to Evaline Jenkins, widow of David B. Jenkins, reported the same with amendments, accompanied by a report (No. 1693); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 899) granting an increase of pension to George F. Bowers, reported the same without amendment, accompanied by a report (No. 1694); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 5018) granting a pension to Johann Conrad Haas, reported the same with amendments, accompanied by a report (No. 1695); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13265) granting an increase of pension to John Whalen, reported the same with amendment, accompanied by a report (No. 1696); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2975) granting an increase of pension to Levi Hatchett, reported the same with amendment, accompanied by a report (No. 1697); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 7344) for the relief of T. J. Coleman, reported the same without amendment, accompanied by a report (No. 1703), which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 2602) for the relief of Nelson Dalbec, reported the same without amendment, accompanied by a report (No. 1704); which said bill and report were referred to the Private Calendar.

Mr. SCHIRM, from the Committee on Claims, to which was referred the bill of the House (H. R. 11010) for the relief of Ramon O. Williams and Joseph A. Springer, reported the same without amendment, accompanied by a report (No. 1705); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 9411) for the relief of P. B. S. Pinchback, reported the same without amendment, accompanied by a report (No. 1706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3880) for the relief of Patrick J. Madden, reported the same without amendment, accompanied by a report (No. 1707); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Ways and Means was discharged from the consideration of the bill (H. R. 12294) for the relief of the Southern California Railway Company, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RANDELL of Texas: A bill (H. R. 13868) to provide for the purchase of a site and the erection of a public building thereon at Denison, in the State of Texas—to the Committee on Public Buildings and Grounds.

By Mr. NORTON: A bill (H. R. 13869) to permit the regulation of hours which shall constitute a day's work for clerks or employees in a drug store or pharmacy by the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: A bill (H. R. 13870) to amend an act entitled "An act to create a customs district of the Territory of Arizona," approved April 29, 1890—to the Committee on Ways and Means.

By Mr. NORTON: A bill (H. R. 13871) granting pensions to honorably discharged officers and enlisted men in the military and naval service of the United States during the civil war—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 13872) to provide for the appointment of official stenographers for the supreme court of the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCLEARY: A bill (H. R. 13873) granting the right of way for telegraph and telephone lines in Alaska—to the Committee on the Public Lands.

By Mr. McRAE: A bill (H. R. 13874) to determine the jurisdiction of the circuit and district courts of the United States in suits by and against corporations, and for other purposes—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 13875) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona—to the Committee on Indian Affairs.

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 13895) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1903—to the Union Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 13876) granting an honorable discharge to John Sullivan—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 13877) granting an increase of pension to William M. Henry—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 13878) granting a pension to W. W. Houston—to the Committee on Invalid Pensions.

By Mr. FEELY: A bill (H. R. 13879) to remove the charge of desertion against James Denney—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 13880) granting a pension to John W. Holcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13881) granting a pension to W. M. Wilson—to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 13882) granting an increase of pension to James W. Jarrell—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13883) granting a pension to Adaline R. Ranney, widow of Zadoc Dexter—to the Committee on Pensions.

By Mr. LESTER: A bill (H. R. 13884) granting an increase of pension to Catherine Cook, widow of Thomas Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13885) granting a pension to Parker C. Dunn—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 13886) granting an increase of pension to Henry Rogers—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13887) for the relief of Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased—to the Committee on Claims.

By Mr. MORRELL: A bill (H. R. 13888) granting an increase of pension to Emma B. Hartley—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 13889) for the relief of legal representatives of James W. Grinter, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 13890) granting an increase of pension to John C. Cavanaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13891) granting a pension to Hiram A. Sheldon—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 13892) granting an increase of pension to John E. Ammel—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 13893) granting a pension to Ella F. Shandrew—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: A bill (H. R. 13894) for the relief of Jacob Miltenberger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Mine Workers' Union No. 1263, of Monongahela City, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BOWERSOCK: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, held at Kansas City, Mo., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Resolution of board of directors of the Missouri, Kansas, and Oklahoma Association of Lumber Dealers, held at Kansas City, Mo., favoring House bill 8337 and Senate bill 3575, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Resolution of the town council of South Kingston, R. I., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of Polish Ladies' Society of Pittsburgh, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, resolutions of Colonel William H. Moody Post, No. 155, of Pittsburgh, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): Protest of Pierpoint

Bros. & Co. and citizens of Butler, Mo., against the enactment of House bill 6578, known as the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Papers to accompany House bill 5954, granting a pension to Alfred H. Rogers—to the Committee on Invalid Pensions.

By Mr. FEELY: Papers to accompany House bill relating to the correction of the military record of James Denney—to the Committee on Military Affairs.

By Mr. GORDON: Petitions of John Miller Post, No. 685, of Osgood, and G. W. Larimore Post, No. 445, of Versailles, Grand Army of the Republic, Department of Ohio, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. GREEN of Pennsylvania: Paper to accompany House bill 10426, to amend the military record of Isaac A. Kase—to the Committee on Military Affairs.

By Mr. JACK: Resolutions of John F. Croll Post, No. 156, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. KERN: Petitions of Pecan Grove Creamery Company and merchants of Okawville, Ill., favoring House bill 9206—to the Committee on Agriculture.

Also, resolutions of Glass Workers' Union No. 9509, of Belleville, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Papers to accompany House bill granting a pension to Adaline R. Ranney, widow of Zadoc Dexter—to the Committee on Pensions.

By Mr. KNOX: Petition of Association of Machinists of Lawrence, Mass., for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MAHONEY: Petitions of two Polish societies of Chicago, Ill., favoring House bill 16, for the erection of an equestrian statue to the late General Pulaski at Washington, D. C.—to the Committee on the Library.

By Mr. MANN: Resolutions of the Lake Carriers' Association of Buffalo, N. Y., urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Zgoda Society, of South Chicago, Ill., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

Also, petition of Reid, Murdoch & Co., of Chicago, Ill., favoring the passage of Senate bill 3057, relating to irrigation—to the Committee on Irrigation of Arid Lands.

By Mr. MIERS of Indiana: Petition of citizens of Vincennes, Ind., against the construction of a Pacific cable by the Government—to the Committee on Interstate and Foreign Commerce.

By Mr. MOODY of Massachusetts: Resolutions of Bay State Lodge No. 73, Locomotive Firemen, of Worcester, Mass., favoring the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Oregon: Petition of James Chatfield and other citizens of Baker City, Oreg., for an amendment to the Constitution preventing polygamous marriages—to the Committee on the Judiciary.

By Mr. MORRELL: Resolutions of James Ashworth Post, No. 334, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRIS: Petition of Brotherhood of Locomotive Firemen of Staples, Minn., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

Also, resolutions of Locomotive Firemen, Lodge No. 443, Staples, Minn., favoring the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, resolutions of Polish society of Gniezno, Minn., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. OTEY: Petition of Federal Labor Union No. 8337, of Roanoke, Va., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Pennsylvania: Resolutions of Mine Workers' Union No. 1640, of Minersville, Pa., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Resolutions of Typographical Union No. 78, of Fort Wayne, Ind., against immigration from south and east of Europe—to the Committee on Immigration and Naturalization.

By Mr. RODEY: Resolutions of Mine Workers' Union No.

746, of Gallup, N. Mex., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Resolution of the Philadelphia Maritime Exchange, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of the directors of the Connecticut Temperance Union, relative to post exchanges—to the Committee on Military Affairs.

By Mr. WACHTER: Petition of John E. Ammel for increase of pension—to the Committee on Invalid Pensions.

By Mr. WARNER: Resolutions of Charles E. Hovey Post, No. 786, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, paper to accompany House bill relating to the correction of the military record of Jacob Miltenberger—to the Committee on Military Affairs.

By Mr. YOUNG: Protest of Woman's Board of Home Missions of the Presbyterian Church against the passage of House bill 12543, for the admission of the Territories of Arizona and New Mexico to statehood—to the Committee on the Territories.

Also, resolutions of the Maritime Association of the Port of New York, urging the passage of House bill 163, to pension employees and dependents of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Trades League of Philadelphia, relating to House bill 7645, to maintain the legal-tender silver dollar at a parity with gold and to increase the subsidiary silver coinage—to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, April 22, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FRANCES L. ACKLEY.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 9290) granting a pension to Frances L. Ackley, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PRITCHARD, and Mr. TURNER were appointed.

PETITIONS AND MEMORIALS.

Mr. WETMORE presented a petition of Newport Lodge, No. 119, International Association of Machinists, of Newport, R. I., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. FOSTER of Washington presented a petition of the Central Labor Union of Whatcom, Wash., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. TELLER presented a memorial of the Arikari Valley Live Stock Association, of Cope, Colo., remonstrating against the leasing of the public lands of the West; which was referred to the Committee on Public Lands.

He also presented a petition of Smeltermen's Local Union No. 94, American Federation of Labor, of Golden, Colo., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

He also presented a memorial of the German-American Central Verein, of Denver, Colo., remonstrating against the enactment of further legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Colorado State Board of Horticulture, praying for the enactment of legislation to protect the wild birds of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Bryan Good Government Club, of New Castle, Colo., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.